AUGUST 2020

DRAFT ENVIRONMENTAL IMPACT REPORT

FOX POINT FARMS

Case No.: MULTI-3524-2019; CPP-3525-2019; SUB-3526-2019; DR-3528-2019; and CDPNF-3529-2019

SCH No. 2020039079

Lead Agency:
City of Encinitas
Planning Division
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INTRODUCTION

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

- Purpose of the Environmental Impact Report
- Project Synopsis
- Issues Raised During Scoping
- Summary of Project Alternatives

PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Environmental Impact Report (EIR) has been prepared for the City of Encinitas (City), acting as the lead agency under CEQA Guidelines Sections 15050 and 15367, to analyze the potential environmental effects associated with implementation of the Fox Point Farms project (collectively known as the project or the proposed project).

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

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

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

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

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

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

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

PROJECT SYNOPSIS

The Fox Point Farms Project (proposed project) proposes the development of a 250-unit residential "agrihood"[1] community on a 21.48-acre site located at 1150 Quail Gardens Drive in the City of Encinitas (refer to Figure 2.0-1, Regional Location Map and Figure 2.0-2, Project Vicinity Map). The project proposes 210 market-rate units and 40 very low income units (affordable to households earning no more than 50 percent of area median income). Units would range from two to three stories in height and would comply with the development requirements of the City's Housing Element Update, as adopted in 2019, including restrictions on maximum average unit size (1,000 square feet average for apartments, 1,150 square feet average for cottages/carriage units/townhomes).

The property would be subdivided into four lots. Lot 1 would consist of 197 apartments, edible landscaping, community gardens, trails, a bocce court, social spaces, an informal outdoor community library, and a community recreation center. Lot 2 would consist of a shared public/private agricultural amenity area including a farm-to-table restaurant (with alcohol sales as an accessory use), farm stand, event lawns, discovery garden, outdoor dining areas, greenhouse and community event space, and an outdoor education patio. Lot 3 would consist of

[1] The Urban Land Institute defines an agrihood as a single-family, multifamily, or mixed-use community built with a working farm as a focus.

an organic farm operation, including farm operation buildings, an orchard, and a chicken coop. Lot 4 would consist of 53 for-sale cottages/carriage units/townhomes.

ISSUES RAISED DURING SCOPING

In accordance with CEQA Guidelines Section 15082, the City prepared and distributed a Notice of Preparation (NOP) of Environmental Impact Report for the proposed project that was circulated for public review on March 27, 2020. The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, would be preparing an EIR for the project. The City determined the scope of the analysis for this EIR as a result of initial project review and consideration of agency and public comments received in response to the NOP. For more information regarding the NOP process, refer to Section 1.0. The NOP and the NOP comments are included as Appendix A-1 to this EIR.

A Citizen Participation Program (CPP) public meeting was held for the proposed project on February 27, 2020 from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map. Approximately 80-90 individuals attended the CPP public meeting. A full summary of the issues raised at the CPP meeting is included in Appendix A-2.

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

- Traffic congestion caused by the project's secondary access on Sidonia Street
- General traffic concerns resulting from the 250 residential units
- Density of the project
- Overflow parking onto Sidonia Street and surrounding roadways
- Existing flooding issues during storm events
- Noise from outdoor events at the restaurant and use of the amenities
- Visual incompatibility with the existing neighborhood due to project design and building heights
- Sensitivity of the adjacent Magdalena Ecke Open Space Preserve

SUMMARY OF SIGNIFICANT EFFECTS

Based on the analysis within this EIR, transportation impacts related to vehicles-miles-traveled (VMT) cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

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

Additionally, the decision-making body will need to consider whether to approve or deny the Sidonia Secondary Access Option which would retain full secondary access to Sidonia Street, rather than it being a gated, emergency-only access point. Both design options are evaluated in the EIR.

SUMMARY TABLE

Table ES-1, Environmental Impact Summary, identifies the areas of environmental impact the project will generate, and when feasible, mitigation measures to reduce those potential impacts.

Table ES-1:
Environmental Impact Summary

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Aesthetics			
3.1-1 Would the project have a substantial adverse effect on a scenic vista?	Less than significant	None required	Less than significant
3.1-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less than significant	None required	Less than significant
3.1-3 Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant	None required	Less than significant
3.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant	None required	Less than significant
3.1-5 Would the project result in cumulative aesthetic impacts?	Less than cumulatively considerable	None required	Less than cumulatively considerable
Air Quality			
3.2-1 Would the project violate air quality standards or contribute substantially to an existing or projected air quality violation during project construction?	Less than significant	None required	Less than significant
3.2-2 Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than significant	None required	Less than significant
3.2-3 Would the project expose sensitive receptors to substantial pollutant concentrations?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.2-4 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than significant	None required	Less than significant
3.2-5 Would the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	Less than cumulatively considerable	None required	Less than cumulatively considerable
Biological Resources			
3.3-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Potentially significant	**BIO-1** **Pre-Construction General Nesting Bird Surveys and Protocols.** If clearing, grubbing, or other construction activities (for example, but not limited to, staging, site preparation, grading) occurs within the nesting season (January 15 to August 31), the following measures shall be implemented to address potential construction-period impacts to migratory birds and raptors: • Prior to the start of vegetation removal and/or construction activities within 300 feet of the Magdalena Ecke Open Space Preserve, a qualified biologist shall perform focused surveys within 72 hours prior to the commencement of construction activities. The survey areas shall include the construction area plus a 300-foot buffer. Survey findings shall be submitted to the City for review and approval prior to the initiation of any construction activities. • If active nests are found during the nesting bird survey, appropriately sized no-work buffers (generally 50 to 300 feet depending on species sensitivity) shall be established around the active nests identified within and adjacent to the project site. The qualified biologist, in consultation with the City, shall determine the appropriate buffer size and level of nest monitoring necessary for species not listed under the federal or state Endangered Species Act based on the species' life history, the species' sensitivity to disturbances (e.g., noise, vibration, human activity), individual	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		behavior, status of nest, location of nest and site conditions, presence of screening vegetation, anticipated project activities, ambient noise levels compared to project-related noise levels, existing non-project-related disturbances in vicinity, and ambient levels of human activity. Buffers shall be marked (flagged or fenced with Environmentally Sensitive Area fencing) around any active nests and periodic monitoring by the qualified biologist shall occur to ensure the project does not result in the failure of the nest. The buffer(s) shall be maintained around each nest until the nest becomes inactive as determined by the qualified biologist. At the discretion of the qualified biologist, if a nesting bird appears to be stressed as a result of project activities and the buffer does not appear to provide adequate protection, additional minimization measures shall be implemented. Buffer sizes may be adjusted (either increased or reduced), or the extent of nest monitoring may be adjusted, at the discretion of the qualified biologist based on the conditions of the surrounding area and/or the behavior of the nesting bird. Any changes to buffer sizes and/or nest monitoring frequency shall be documented. • If active nests are found and delineated by the buffers, construction activities may continue outside of the biological buffers. • The qualified biologist shall have the following responsibilities: ensure that restricted activities occur outside of the delineated buffers, check nesting birds for any potential indications of stress, and ensure that installed fencing or flagging is properly maintained during nest monitoring and any additional site visits. **BIO-2** **Pre-Construction Coastal California Gnatcatcher Surveys and Protocols.** If clearing, grubbing, or other construction activities occur within the California gnatcatcher nesting season (February 15 to August 31), the following measures shall be implemented to address potential construction-period impacts to the coastal California gnatcatcher that may occupy native habitats adjacent to the construction area in the Magdalena Ecke Open Space Preserve:	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		• Prior to the initiation of construction activities within 300 feet of habitat that could support gnatcatchers, a biologist with necessary permits to conduct California gnatcatcher surveys shall perform a minimum of three focused surveys, on separate days, to determine the presence of active gnatcatcher nests within a minimum of 300 feet of project construction activity proposed during the gnatcatcher breeding season. The biologist shall conduct two surveys a maximum of seven days prior to vegetation disturbance or project construction and one survey the day immediately prior to the initiation of work. Survey findings shall be submitted to the City for review and approval prior to the initiation of any construction activities. • If a gnatcatcher nest is found in or within 300 feet of initial vegetation disturbance or project construction, additional coordination with the United States Fish and Wildlife Services shall occur prior to construction and within 48 hours of the discovery to determine what additional measures would need to be implemented, if any, to avoid "take" of the species. Similar protocols for other federal or state listed bird species may need to be implemented, based on finding of the biological surveys.	
3.3-2 Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Less than significant	None required	Less than significant
3.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-4 Would the project 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?	Potentially significant	Implement mitigation measures **BIO-1** and **BIO-2**	Less than significant with mitigation incorporated
3.3-5 Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant	None required	Less than significant
3.3-6 Would the project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	Less than significant	None required	Less than significant
3.3-7 Would the project result in cumulative impacts related to biological resources?	Potentially significant	Implement mitigation measures **BIO-1** and **BIO-2**	Less than cumulatively considerable with mitigation incorporated
Cultural Resources			
3.4-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	Potentially significant	**CR-1** **Cultural Resources Monitoring Program.** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (San Luis Rey Band of Mission Indians) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access). • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors. • The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above. • The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the San Luis Rey Band of Mission Indians ("San Luis Rey Band"). Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan. • The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed. • The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. **CR-2** **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval. **CR-3** **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.	
3.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	Potentially significant	Implement mitigation measures **CR-1** and **CR-2**	Less than significant with mitigation incorporated
3.4-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?	Potentially significant	Implementation mitigation measure **CR-3**	Less than significant with mitigation incorporated
3.4-4 Would the project result in cumulative impacts related to historical and archaeological resources?	Potentially significant	Implement mitigation measures **CR-1** to **CR-3**	Less than cumulatively considerable with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Energy Conservation and Climate Change			
3.5-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant	None required	Less than significant
3.5-2 Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant	None required	Less than significant
3.5-3 Would the project generate greenhouse gas emissions that when combined with other related cumulative projects, could have a significant impact on global climate change?	Less than significant	None required	Less than significant
3.5-4 Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than significant	None required	Less than significant
3.5-5 Would the project conflict or obstruct a state or local plan for renewable energy or energy efficiency?	Less than significant	None required	Less than significant
3.5-6 Would the project would in cumulative impacts related to energy conservation and climate change?	Less than significant	None required	Less than cumulatively considerable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Geology and Soils			
3.6-1 Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map?	Less than significant	None required	Less than significant
3.6-2 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less than significant	None required	Less than significant
3.6-3 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Less than significant	None required	Less than significant
3.6-4 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Less than significant	None required	Less than significant
3.6-5 Would the project result in substantial soil erosion or the loss of topsoil?	Less than significant	None required	Less than significant
3.6-6 Would the project site be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	Less than significant	None required	Less than significant
3.6-7 Would the project be located on expansive soil, creating substantial risks to life or property?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.6-8 Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less than significant	None required	Less than significant
3.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially significant	**GEO-1** **Paleontological Data Recovery and Monitoring Plan:** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods. 1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on-site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic deposits. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		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. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.	
3.6-10 Would the project result in cumulative impacts related to geology and soils?	Potentially significant	Implement mitigation measure **GEO-1**	Less than cumulatively considerable with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Hazards and Hazardous Materials			
3.7-1 Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or would it 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?	Less than significant	None required	Less than significant
3.7-2 Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Potentially significant	**HAZ-1** Prior to grading permit issuance, the project applicant shall demonstrate that a qualified consultant has been retained to ensure implementation of the project's Soil Management Plan (Geotek, Inc., 6/2/20). The project applicant shall be responsible for ensuring all provisions of the Soil Management Plan are implemented to the satisfaction of the San Diego County Department of Environmental Health (DEH). The remediation measures contained in the Soil Management Plan shall be included in the project's grading plans to the satisfaction of the Development Services Department. **HAZ-2** Prior to building permit issuance, the project applicant shall prepare and submit a remediation closure report and closure request to the San Diego County DEH Voluntary Assistance Program and Encinitas Development Services Department for review and approval. The closure report shall be prepared by a qualified consultant and document compliance with the Soil Management Plan and any deviations from the plan. In addition, the report shall provide a discussion of remedial activities, site observations, soil analytical results, and volume of waste material disposed. **HAZ-3** Prior to building permit issuance, the project applicant shall submit a "Closure Letter" issued by the San Diego County DEH to the Encinitas Development Services Department.	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		HAZ-4 Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division). **HAZ-5** If on-site abatement of asbestos and/or lead materials is required, a licensed abatement contractor shall implement the approved abatement work plan prior to demolition of affected structures. **HAZ-6** Prior to building permit issuance, an abatement close-out report shall be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval.	
3.7-3 Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than significant	None required	Less than significant
3.7-4 Would the project result in a safety hazard for people residing or working in the project area and located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, or would it result in a safety hazard or excessive noise for people residing or working in the project area in the vicinity of a private airstrip?	No impact	None required	No impact

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.7-5 Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	Less than significant	None required	Less than significant
3.7-6 Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires?	Less than significant	None required	Less than significant
3.7-7 Would the project result in cumulative impact related to hazards and hazardous materials?	Potentially significant	Implement mitigation measures **HAZ-1** and **HAZ-2**	Less than cumulatively considerable with mitigation incorporated
Hydrology and Water Quality			
3.8-1 Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than significant	None required	Less than significant
3.8-2 Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than significant	None required	Less than significant
3.8-3 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.8-4 Would the substantially increase the rate or amount of surface runoff in a manner which would result flooding on- or 0ff-site?	Less than significant	None required	Less than significant
3.8-5 Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than significant	None required	Less than significant
3.8-6 Would the implementation of the project risk the release of pollutants due to project inundation from a flood, tsunami, or seiche zones?	Less than significant	None required	Less than significant
3.8-7 Would the project conflict with or obstruct implementation of a water quality control pan or sustainable groundwater management plan?	No impact	None required	No impact
3.8-9 Would the project create cumulative hydrology and water quality impacts?	Less than significant	None required	Less than cumulatively considerable
Land Use and Planning			
3.9-1 Would the project physically divide an established community?	Less than significant	None required	Less than significant
3.9-2 Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant	None required	Less than significant
3.9-3 Would the project result in cumulative land use impacts?	Less than significant	None required	Less than cumulatively considerable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Noise			
3.10-1 Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant	None required	Less than significant
3.10-2 Would the project generate excessive groundborne vibration or groundborne noise levels?	No impact	None required	No impact
3.10-3 Would the project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Less than significant	None required	Less than significant
3.10-4 Would the project result in cumulative noise impacts?	Less than significant	None required	Less than cumulatively considerable
Public Services and Recreation			
3.10-1 Would the project result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.10-2 Would the project result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts?	Less than significant	None required	Less than significant
3.10-3 Would the project result in substantial adverse physical impacts to schools due to 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?	Less than significant	None required	Less than significant
3.10-4 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?	Less than significant	None required	Less than significant
3.10-5 Would the project result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts?	Less than significant	None required	Less than significant
3.10-6 Would the project result in a cumulatively considerable impact to public services and facilities?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Public Services and Recreation			
3.11-1 Would the project result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-2 Would the project result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-3 Would the project result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-4 Would the project increase the use of existing neighborhood and regional parks or other recreational facilities?	Less than significant	None required	Less than significant
3.11-5 Would the project result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities?	Less than significant	None required	Less than significant
3.11-6 Would the project result in a cumulatively considerable impact to public services and recreation?	Less than significant	None required	Less than significant
Transportation			
3.12-1 Would the project conflict a plan, ordinance or policy addressing the circulation system, including transit roadway, bicycle and pedestrian facilities?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.12-2 Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Potentially significant	**TR-1:** The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled: • "E-Bike Share" - The project shall implement an electric bike share program to link to local Encinitas destinations and reduce motorized vehicle trips. The electric bike share program would provide for the availability of 10 electric bikes for the exclusive use of project residents to provide sustainable transportation as a substitute for individual vehicle ownership/use. In addition to the E-Bike program, high quality bike parking would be provided for project residents. • "Car share dedicated parking" - Two parking spaces west of the community recreation center shall be dedicated to accommodate car sharing opportunities. • "Transit Passes Subsidies" - NCTD Regional Transit passes shall be offered to the 20 on-site employees as an alternative to parking at the project site.	Significant and unavoidable
3.12-3 Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant	None required	Less than significant
3.12-4 Would the project result in inadequate emergency access?	Less than significant	None required	Less than significant
3.12-5 Would the project result in cumulative transportation impacts?	Potentially significant	Implement mitigation measure **TR-1**	Significant and unavoidable

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Tribal Cultural Resources			
3.13-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: • Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? • 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Potentially significant	Implement mitigation measures **CR-1** to **CR-3**	Less than significant with mitigation incorporated
3.13-2 Would the project result in cumulative impacts related to tribal cultural resources?	Potentially significant	Implement mitigation measures **CR-1** to **CR-3**	Less than cumulatively considerable with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Utilities and Service Systems			
3.14-1 Would the project require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant	None required	Less than significant
3.14-2 Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than significant	None required	Less than significant
3.14-3 Would the project result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than significant	None required	Less than significant
3.14-4 Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than significant	None required	Less than significant
3.14-5 Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than significant	None required	Less than significant
3.14-6 Would the project result in a significant cumulative impact related to utilities and service systems?	Less than significant	None required	Less than significant

SUMMARY OF PROJECT ALTERNATIVES

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

ALTERNATIVES TO THE PROPOSED PROJECT

Potential environmental impacts associated with three alternatives are compared below to assess impacts from the proposed project. The following alternatives have been identified for analysis in compliance with CEQA: Alternative 1: No Project; Alternative 2: Increased Intensity of Existing Agricultural Operations; and Alternative 3: VMT Reduction. Table ES-2, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

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

Topic	Alternative 1: No Project	Alternative 2: Increased Agricultural Operations	Alternative 3: VMT Reduction
Biological Resources	<	=	=
Cultural and Tribal Cultural Resources	<	=	=
Geology and Soils (Paleontological Resources)	<	=	=
Hazards and Hazardous Materials	>	>	=
Transportation1	=	=	=

Notes:
= Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).
< Impact is less than impact of proposed project (environmentally superior).
> Impact is greater than impact of proposed project (environmentally inferior).
1 Transportation impacts are based upon vehicle miles travelled (VMT), rather than Level of Service (LOS)/delay. Refer to Section 3.12.

Alternative 1: No Project

Description of Alternative

Under the No Project Alternative, the proposed project would not be adopted, and future development would not occur. As such, the existing agricultural operations would continue to occur on-site in the same capacity as existing conditions. The existing land uses would remain the same.

Alternative 1 Summary

Since the project site is largely void of biological resources, it is unlikely that this alternative would result in impacts to biological resources (e.g., potential to affect nesting avian species) by continuing the existing agricultural operations on-site. Impacts relative to cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources) would be reduced as the project site would not be developed and existing operations would be maintained at their current capacity. This alternative would result in less transportation impacts as fewer daily vehicle trips would be generated by existing operations as compared to the proposed project. However, it is reasonable to conclude that the No Project Alternative VMT/employee would be similar to that of the proposed project. The continued use of the existing agriculture operations may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations.

Implementation of the Alternative 1, No Project Alternative, would avoid the environmental impacts of the proposed project because no housing units or other amenities would be constructed. The baseline environmental conditions in the proposed project area would remain under the No Project Alternative. The No Project Alternative would not meet any of the basic project objectives.

Alternative 2: Increased Intensity of Existing Agricultural Operations

Description of Alternative

Under this alternative, development proposed by the project would not occur. However, in contrast to the “No Project” Alternative that would maintain existing operations, the Increased Intensity of Existing Agricultural Operations Alternative would increase the intensity of the agricultural operations on-site, such as constructing new greenhouses and accessory structures. The Encinitas Ranch Specific Plan Agricultural zoning allows for buildings up to 35 feet and may be increased up to 45 feet for up to 10% of the gross floor area. Under this Alternative, buildings on-site would be replaced and/or renovated in conformance with the Agricultural zoning

standards. This alternative would not include improvements for ingress/egress to accommodate traffic associated with the increased business intensity (e.g., deliveries, transport of goods, employee traffic) as the current operations is a by-right use. Furthermore, this alternative would not include the proposed improvements to the City's storm drain infrastructure that presently results in flooding along Sidonia Street during large storm events.

Alternative 2 Summary

It is anticipated that this alternative would decrease impacts relative to transportation as fewer daily vehicle trips would be generated by horticultural uses as compared to the proposed project. However, it is reasonable to conclude that the No Project Alternative VMT/employee would be similar to that of the proposed project. Further, the increased intensity of the site would result in additional truck trips (e.g., large delivery trucks, semi-trailers, and dump trucks) which may lead to temporary congestion on Quail Gardens Drive and surrounding intersections. Impacts relative to biological resources (e.g., potential to affect nesting avian species) and cultural resources (e.g., potential to inadvertently discover unknown resources) would be similar to the project as the development footprint of Alternative 2 would generally be the same in order to accommodate the expanded agricultural facilities and operations.

Although the increased intensity of the site is anticipated to increase ADT greater than existing conditions (334 ADT), it is unlikely that this alternative would generate greater ADT than the proposed project (1,690 ADT) since this alternative would not include residential housing on-site. As such, transportation impacts would be similar as compared to the proposed project. The increased intensity of the site may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations; therefore, impacts relative to hazards and hazardous materials are considered to be greater as compared to the proposed project since the site would remain in its current state.

Alternative 3: VMT Reduction

Description of Alternative

The VMT Reduction Alternative focuses on reducing the number of daily vehicle trips through a combination of reduced parking and Transportation Demand Management (TDM) strategies in order to avoid or reduce significant and unavoidable impacts associated with VMT. This alternative would (1) provide the minimum number of residential parking spaces required under state density bonus law, and (2) implement unbundled parking, whereby parking spaces are not included in the cost of each residential unit; rather, residents would be required to pay for parking spaces.

Specifically, this alternative would provide 395 residential parking spaces (all of which would be in garages) and would charge renters $25/month for each space. The overall project design would remain largely unchanged, with the exception that approximately 86 residential surface parking spaces in the residential areas of the proposed project would be converted to landscaping or other green spaces. The parking area in the agricultural amenity area would be for visitors/users of that area exclusively and residential guests or residents would not be permitted to park in this area.

Alternative 3 Summary

Impacts relative to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), and hazardous materials (e.g. excavation and disposal of the heavy-oil impacted soils) would be similar to the project because the development footprint of Alternative 3 would be the same as the proposed project (refer to Table 5-1, Comparison of Alternative Project Impacts to the Proposed Project). Although not considered a significant impact in the EIR, operational impacts to air quality would be similar but slightly reduced compared to the proposed project while construction air quality impacts would be the same as the proposed project. Specifically, mobile-source emissions may be reduced by up to 7.5% which represents the expected VMT reduction achieved with implementation of reduced parking and implementation of unbundled parking. Similarly, operational impacts to energy usage (i.e., petroleum usage) and greenhouse gases (mobile source emissions) would be slightly reduced compared to the proposed project.

Although Alternative 3 would reduce impacts related to VMT compared to the proposed project, impacts to VMT would remain significant and unavoidable (similar to the proposed project) because even with implementation of unbundled parking and limited parking supply, overall VMT would not reach the 15% reduction threshold. Furthermore, SANDAG specifically states that their "3A. Parking Pricing" TDM measure (7.5% VMT reduction) "works best in areas where on-street parking is managed (e.g., priced parking, residential permit programs, time limits, etc.) to reduce unintended consequences of parking in adjacent neighborhoods." As the project applicant cannot guarantee that this measure would also be in implemented in the adjacent neighborhood (Fox Point – Sidonia Street), a neighborhood parking management program (permit only parking) would be necessary in the adjacent neighborhood. Even with effective implementation of such policies, the impacts to VMT would remain significant and unavoidable, similar to the proposed project.

1.1 PURPOSE OF THE EIR

This Environmental Impact Report (EIR) addresses the environmental effects of the proposed Fox Point Farms project (proposed project). The California Environmental Quality Act (CEQA) requires that government agencies consider the environmental consequences of projects over which they have discretionary approval authority.

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

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

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

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

Upon certification of the EIR, the Fox Point Farms project will be considered for approval by the City's Planning Commission. A decision to approve the proposed project would be accompanied by specific, written findings, in accordance with CEQA Guidelines Section 15091, and a specific,

written Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093.

1.2 INTENDED USES OF THE EIR

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

DISCRETIONARY ACTIONS AND APPROVALS

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

City of Encinitas

- Environmental Impact Report certification
- Density Bonus Tentative Map approval
- Coastal Development Permit
- Design Review Permit

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

- San Diego Regional Water Quality Control Board (RWQCB)
- San Diego County Department of Environmental Health (DEH)
- San Dieguito Water District (SDWD)

1.3 EIR SCOPE, ISSUES, CONCERNS

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

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

- Held an agency public scoping meeting to request input from public agencies on the scope of the evaluation to be undertaken in the EIR.

The NOP and response letters and scoping meeting summary are provided in Appendix A-1.

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

Pursuant to Section 15082 of the CEQA Guidelines, a NOP was circulated to the California Governor's Office of Planning and Research (State Clearinghouse) and responsible agencies for a 30-day public review period commencing on March 27, 2020. Written comment letters received during the 30-day NOP public review period are found in Appendix A-1.

Key comments of environmental concern related to:

- Traffic congestion caused by the project's secondary access on Sidonia Street
- General traffic concerns resulting from the 250 residential units
- Density of the project
- Overflow parking onto Sidonia Street and surrounding roadways
- Existing flooding issues during storm events
- Noise from outdoor events at the restaurant and use of the amenities
- Visual incompatibility with the existing neighborhood due to project design and building heights
- Sensitivity of the adjacent Magdalena Ecke Open Space Preserve

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

CITIZEN PARTICIPATION PROGRAM (CPP) MEETING

A Citizen Participation Program (CPP) public meeting was held for the proposed project on February 27, 2020 from 6:00 p.m. to 9:00 p.m. at Encinitas City Hall (Council Chambers). All property owners and occupants within a 500-foot radius of the project site were mailed a copy of the neighborhood letter and the vicinity map. Approximately 80-90 individuals attended the CPP public meeting. A full summary of the issues raised at the CPP meeting is included in Appendix A-2.

Key comments of environmental concern related to:

- Traffic congestion caused by the project's secondary access on Sidonia Street
- General traffic concerns resulting from the 250 residential units
- Density of the project
- Existing flooding issues during storm events

These issues have been considered in this EIR, where applicable. Based on consideration of the available technical reports and public comments, this EIR has been prepared at the project level

under CEQA Guidelines Section 15161 to assess and document the environmental impacts of the proposed project, with the following topics evaluated in detail:

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

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

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

ENVIRONMENTAL REVIEW PROCESS

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

Comment letters should be sent to:

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

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

1.4 REPORT ORGANIZATION

The EIR is organized as follows:

- **Section ES, Executive Summary**. Summarizes the description and background of the proposed project, addresses the format of this EIR, discusses alternatives, and includes the potential environmental impacts and any mitigation measures identified for the proposed project.

- **Section 1.0, Introduction.** Describes the purpose of the EIR, the background of the proposed project, the NOP and scoping process, the use of incorporation by reference, and the EIR certification process.

- **Section 2.0, Project Description.** Describes the proposed project and its objectives, the proposed project site and location, approvals anticipated to be included as part of the project, the necessary environmental clearances for the proposed project, and the intended uses of the EIR.

- **Section 3.0, Environmental Analysis.** Contains a detailed environmental analysis of the existing (baseline) conditions, potential project impacts, recommended mitigation measures, and possible unavoidable adverse impacts for the following environmental issue areas:
    - Aesthetics (Section 3.1)
    - Air Quality (Section 3.2)
    - Biological Resources (Section 3.3)
    - Cultural Resources (Section 3.4)
    - Energy Conservation and Climate Change (Section 3.5)
    - Geology and Soils (Section 3.6)
    - Hazards and Hazardous Materials (Section 3.7)
    - Hydrology and Water Quality (Section 3.8)
    - Land Use and Planning (Section 3.9)
    - Noise (Section 3.10)
    - Public Services and Recreation (Section 3.11)
    - Transportation (Section 3.12)
    - Tribal Cultural Resources (Section 3.13)
    - Utilities and Service Systems (Section 3.14)

- **Section 4.0, Effects Found Not to Be Significant**. Summarizes effects found not to be significant.
- **Section 5.0, Alternatives to the Proposed Project.** Analyzes a reasonable range of alternatives to the proposed project, including the CEQA-mandated "No Project" alternative. The alternatives seek to achieve the basic objectives of the proposed project while reducing potential environmental effects associated with the proposed project.
- **Section 6.0, Other CEQA Considerations.** Summarizes the project's significant and unavoidable impacts, energy conservation, and significant irreversible environmental changes. This section also includes a discussion of growth-inducing impacts, analyzing the potential environmental consequences of the foreseeable growth and development that could be induced by implementation of the proposed project.
- **Section 7.0, Preparers and Persons Consulted.** Identifies the preparers of the EIR, including the lead agency.
- **Section 8.0, References.** Identifies reference resources used during preparation of the EIR.
- **Appendices.** Contains the project's technical documentation.

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

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

CEQA Requirement	CEQA Section	Location in EIR
Table of Contents	15122	Table of Contents
Executive Summary	15123	Section ES
Introduction		Section 1.0
Project Description	15124	Section 2.0
Environmental Setting	15125	Sections 2.0 and 3.0
Significant Environmental Effects of the Proposed Project	15126[a]	Section 3.0
Mitigation Measures	15126[e]	Section 3.0
Cumulative Impacts	15130	Section 3.0
Effects Found Not to Be Significant	15128	Section 4.0
Alternatives to the Proposed Project	15126[f]	Section 5.0
Significant Unavoidable Environmental Effects of the Proposed Project	15126[b]	Section 6.0
Significant Irreversible Environmental Changes of the Proposed Project	15126[c]	Section 6.0
Growth-Inducing Impacts of the Proposed Project	15126[d]	Section 6.0
Preparers and Persons Consulted	15129	Section 7.0
Technical Appendices and other materials, including comments letters on the NOP and scoping meeting.		Appendices

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

The CEQA Guidelines provide, in part:

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

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

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

1.5 INCORPORATION BY REFERENCE

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

CITY OF ENCINITAS HOUSING ELEMENT 2019

In March 2019, the Encinitas City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production

of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element, including an amendment to the City's General Plan and Local Coastal Plan (described below), the Encinitas Ranch Specific Plan (described below) and adoption of updated Development Standards and Zoning Standards for properties that were included in the HEU.

Under the 2019 HEU, the project site was designated with an R-30 Overlay on approximately 14.2 acres and allocated between 246 and 296 units. Conforming edits were also made to the Encinitas Ranch Specific Plan to add an ER-R-30 zone and apply this new zoning to the project site.

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

> *All approvals necessary to implement appropriate zoning and development standards, including CCC approval of an LCPA, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).*

ENCINITAS RANCH SPECIFIC PLAN (AS AMENDED)

The Encinitas Ranch Specific Plan (Specific Plan) provides guidelines for mixed-use land development for an approximate 852-acre planning area within the City of Encinitas. The Specific Plan was developed in accordance with the provisions of the City of Encinitas General Plan.

The Specific Plan Area is located approximately one mile south of La Costa Avenue and one-half mile north of Encinitas Boulevard, between the San Diego Freeway (I-5) and El Camino Real.

The proposed project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential use (ER-R-30), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the 2019 Housing Element Update. The Specific Plan states that the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site. The following amendment description was added to the Encinitas Ranch Specific Plan with the 2019 HEU relative to the project site:

1.7 Specific Plan Amendment (Case No. 17-128)

The 2019 Specific Plan Amendment incorporated revisions to the Specific Plan in the Sidonia East Planning Area. In 2019, as part of the City's Housing Element Update, an approximately 16-acre portion of the Sidonia East Planning Area was designated for 246 to 296 multifamily residential units (at a density of 25 to 30 du/ac) as part of an "agrihood" development. The site sits at the junction of a major 4-lane arterial and a local 2-lane road. The owner had expressed interest in developing 250 residential units in conjunction with a working agricultural practice. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site.

CITY OF ENCINITAS GENERAL PLAN AND CERTIFIED LOCAL COASTAL PROGRAM

The Encinitas General Plan serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The General Plan is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring upon ultimate buildout of the General Plan. The General Plan also provides guidance to ensure future development conforms to the City's established plans, objectives, and/or policies, as appropriate. Specific to the project site, the General Plan designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. In Sections 3.1 to 3.14 of this EIR, various relevant General Plan policies and goals are listed in the regulatory sections pertaining to each topic.

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

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state.

- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

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

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

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

Subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to update the City's LCP to include the 15 housing element sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the project site (on page 24 of the staff report), the Coastal Commission found that:

> *As noted above, the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive*

density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.

Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.

Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.

CITY OF ENCINITAS MUNICIPAL CODE

Title 30, Zoning, of the Encinitas Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). Further, the Zoning Regulations are "adopted pursuant to, and to implement

provisions of, the City of Encinitas General Plan and certified Local Coastal Program Land Use Plan. The regulatory provisions … shall implement the provisions of the General Plan to carry out the objectives contained therein" (Ord. 94-06).

Under the City of Encinitas Zoning Map, the project site is zoned SP-3, which defers to the Encinitas Ranch Specific Plan. See above for additional information on the Encinitas Ranch Specific Plan.

Furthermore, as part of the HEU the City passed Ordinance No. 2019-04, which introduced use and development standards to implement the new General Plan land use (R-30 Overlay).

CITY OF ENCINITAS CLIMATE ACTION PLAN

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

The City of Encinitas CAP was most recently updated in January 2018 and builds upon the goals identified in the 2011 CAP. The updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG emitting activities by targeted dates. The CAP organizes strategies, goals, and actions tied to various emissions sources (e.g., on-road transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater). Of particular relevance to the proposed project, the CAP requires all new housing to be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. As of this time, the City has not adopted implementing ordinances for these requirements.

2.1 PROJECT OVERVIEW AND LOCATION

The Fox Point Farms Project (proposed project) proposes the development of an "agrihood" community on a 21.48-acre site located at 1150 Quail Gardens Drive in the City of Encinitas (refer to Figure 2.0-1, Regional Location Map, and Figure 2.0-2, Project Vicinity Map). The property would be subdivided into four lots. Lot 1 would consist of 197 apartments, edible landscaping, community gardens, trails, a bocce court, social spaces, an informal outdoor community library, and a community recreation center. Lot 2 would consist of a shared public/private agricultural amenity area including a farm-to-table restaurant[1] (with alcohol sales as an accessory use), farm stand, event lawns, discovery garden, outdoor dining areas, greenhouse and community event space, and an outdoor education patio. Lot 3 would consist of an organic farm operation, including farm operation buildings, an orchard, and a chicken coop. Lot 4 would consist of 53 for-sale cottages/carriage units/townhomes. Two temporary construction trailers would be located on-site during construction of the proposed project and would be removed upon completion of construction.

The Urban Land Institute defines an agrihood as a single-family, multifamily, or mixed-use community built with a working farm as a focus. The growing and harvesting of local food can be assisted by real estate developments that (1) accommodate or financially support on-site farming, greenhouses, or other commercial food-growing operations, (2) create community food-growing areas in residential or mixed-used projects, and (3) cluster walkable development to preserve land for farming, open space, or both.[2] The proposed project has been designed around all three of these principles.

The project site is located at the northwest corner of the Leucadia Boulevard/Quail Gardens Drive intersection, in the Leucadia community of Encinitas, in central coastal San Diego County. The existing San Diego County Assessor's Parcel Number (APN) for the property is 254-612-12-00. The Encinitas Ranch Golf Course is located to the east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development

[1] Farm-to-table restaurant implies that ingredients used in the menu for the restaurant come from local sources, preferably through direct acquisition from the producer. Such sources may include the on-site organic farm and orchard, and/or other local businesses and operations (i.e., local wineries, breweries, ranches, fisheries, or other types of food or beverage producers).

[2] Urban Land Institute. Cultivating Development – Trends and Opportunities at the Intersection of Food and Real Estate. 2016. https://uli.org/wp-content/uploads/ULI-Documents/Cultivating-Development-Trends-and-Opportunities-at-the-Intersection-of-Food-and-Real-Estate.pdf.

lies west of the project site. The Magdalena Ecke Open Space Preserve borders the site along the entire northern property boundary.

The site is within walking/biking distance to Capri Elementary School (0.75 miles), shopping centers on El Camino Real (0.75 miles), Paul Ecke Sports Park and the YMCA (0.85 miles), and is 0.7 miles from the Leucadia Boulevard/Interstate 5 interchange. Transit stops are located on Leucadia Boulevard immediately adjacent to the site, providing residents with an affordable means of transportation to these community resources and jobs. Indian Head Canyon, a community resource for open space and trails, is located north of the Magdalena Ecke Open Space Preserve.

The project site is occupied by private commercial greenhouse buildings, which would be demolished with project implementation. These greenhouses comprise approximately 410,000 square feet of the project site. The existing agricultural operation generates approximately 334 average daily trips, as measured by driveway counts conducted for the proposed project. One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is also proposed to be demolished with project implementation (refer to Figure 2.0-3, Existing Site Conditions).

A Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit are required to allow for the proposed development. The Density Bonus Tentative Map would subdivide the existing property into multiple parcels. The Design Review Permit is required to ensure project consistency with design review guidelines established by the City of Encinitas. Due to its location within the Encinitas Ranch Specific Plan, the proposed project is also subject to design guidelines related to grading, building design, landscaping and other site improvements. The project site is in the Coastal Zone and, as a result, also requires a Coastal Development Permit.

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The project site is allocated a minimum of 246 units in the City of Encinitas Housing Element Update, which was adopted by the City of Encinitas on March 13, 2019.

2.2 PROJECT OBJECTIVES

California Environmental Quality Act (CEQA) Guidelines Section 15124(b) requires the project description to contain a statement of objectives that includes the underlying purpose of the

proposed project. The objectives of the project are identified below. The underlying purpose of the Fox Point Farms project is to create a highly-amenitized, pedestrian-oriented, sustainable agrihood community which provides a mix of product types, creating opportunities for attainably-priced housing across income groups in conformance with the City's 2019 Housing Element (Fifth Cycle). The Fox Point Farms project strives to serve as an innovative example for other cities to follow. The project is guided by the following objectives:

1. Provide visual and functional compatibility with adjacent residential neighborhoods, other nearby land uses, development, and natural features.

2. Provide for varying housing densities and diverse housing types to support an inclusive, multi-generational community to meet the current and future housing demand on a site located near transit, retail, recreational amenities, and schools.

3. Use agriculture as an organizing element of the overall neighborhood plan and provide better public access to agricultural uses.

4. Provide for the long-term preservation of agriculture through an urban farm and other amenities that would serve as community assets and as a transition between urban uses and agricultural land.

5. Design buildings, spaces, and uses that enhance and respect the agricultural history of the area and promote environmental stewardship.

6. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections, open space, parks, paseos, agriculture, and other amenities.

7. Provide a site plan that creates connectivity to adjacent neighborhoods and transit while respecting adjacent single-family residential neighborhoods by locating lower-density, detached homes along the western portion of the project site.

8. Provide a publicly-accessible loop trail system around the project site.

9. Minimize visual impacts of the project site by locating two-story units around the perimeter of the project site and focusing three-story structures more central to the project site.

10. Provide at least the minimum number of units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element, while minimizing environmental effects and protecting surrounding natural and aesthetic resources.

11. Provide affordable housing within the project for very low income families, thereby helping to meet the State-mandated affordable housing requirements and further encouraging diversity within the community.

12. Provide homeownership opportunities and meet the growing demand for smaller cottage/carriage homes, while at the same time encouraging multi-generational living opportunities that are compatible with the visual character of the surrounding community.

13. Buffer existing open space areas adjacent to the project site (Magdalena Ecke Open Space Preserve) with an organic farm and focusing development further south to protect sensitive habitat and views.

14. Provide resident parking in accordance with the City of Encinitas Zoning Ordinance, and encourage shared parking (consistent with the Encinitas Ranch Specific Plan) among the various non-residential uses within the project.

2.3 PROJECT COMPONENTS

The property would be subdivided into four lots. A brief summary of the uses within each lot is included in Table 2.0-1, Land Use Summary, and a visual representation of the proposed project is provided in Figure 2.0-4, Proposed Project. Details of each component are described below. Refer also to Figure 2.0-5, Conceptual Site Plan, and Figure 2.0-6, Tentative Map.

Table 2.0-1: Land Use Summary

Project Area	Land Use
Lot 1	(9.2 acres) 197 apartments, edible landscaping, community gardens, trails, a bocce court, social spaces, an informal outdoor community library, and a community recreation center
Lot 2	(1.9 acres) Shared public/private agricultural amenity area including a farm-to-table restaurant (with alcohol sales as an accessory use), farm stand, event lawns, discovery garden, outdoor dining areas, and an outdoor education patio
Lot 3	(5.5 acres) Organic farm operation, including farm operation buildings, an orchard, and a chicken coop
Lot 4	(3.1 acres) 53 for-sale cottages/carriage units/townhomes
Not a part	(1.8 acres) Existing Leucadia and Quail Gardens Drive right-of-way dedicated to public use

2.3.1 RESIDENTIAL USES

The project would accommodate development of 250 new residential units, including 197 apartment units and 53 for-sale condominium or small-lot detached residences. The Site Plan and Tentative Map have been designed at a pedestrian scale, encouraging residents to walk along edible paseos and utilize on-site amenity areas. All units, including the apartments, bungalows, carriage units, and townhomes are alley-loaded, such that these homes front onto pedestrian walkways or into open space areas, overlooking community gardens and landscaping.

A variety of housing types would allow for diversity in unit size and incomes. Apartments units are spread across 6-plex, 7-plex and 13-plex buildings and range from 532 square-foot studios to 1,429 square-foot three bedroom units. The condominium/for sale units include:

- 710 square-foot, 1-bedroom carriage units;
- 1,100 square foot, 2-bedroom townhomes; and
- 1,600 square-foot 3-bedroom cottage units.

Refer to Figure 2.0-5, Conceptual Site Plan, for a depiction of how these unit types would be distributed throughout the project site. Proposed elevations of the unit types are shown on Figures 2.0-7a through 2.0-7f.

The project proposes 210 market-rate units and 40 very low income (affordable to households earning no more than 50 percent of area median income) affordable residential units. Units would range from two to three stories in height and would comply with the development requirements of the City's Housing Element Update, as adopted in 2019, including restrictions on maximum average unit size (1,000 square feet average for apartments, 1,150 square feet average for cottages/carriage units/townhomes).

The project site has been designated for 246 to 296 residential units in the Housing Element Update. The proposed project's 250 residential units are within the allowable unit count.

One occupied, existing single-family residence is present in the southwestern portion of the property. This unit would be demolished by the proposed project.

2.3.2 AGRICULTURAL/AGRIHOOD USES

Local agriculture contributes to regional food systems and to the health and economic well-being of communities. Local community farms grow food, plants, and other crops that may serve the immediate community and provide opportunities for education, events, and agri-tourism. Community farms at the local level can also provide a platform to educate consumers about the

complex issues of agriculture and the food system. This is the character of agricultural uses historically practiced in Encinitas.

Despite their numerous benefits, small-scale farms struggle to compete with large-scale industrial agriculture because they lack economies of scale and access to expensive equipment and technology. Development pressure drives up land costs, often distancing farms from their markets. This results in higher transportation costs and a lack of connectivity to the consumer. Additionally, a high percentage of consumer profits are otherwise captured by distributors, processors, and retailers.

As an agrihood, the proposed project would enable preservation of local agricultural uses. Lot 2 (agricultural amenity area – 1.96 acres) and Lot 3 (organic farm operation – 5.5 acres) would serve as the key components of the project's agrihood concept, integrating agriculture with on-site residents as well as the larger public (refer to Figure 2.0-8, Agriculture/Agrihood Uses and Amenities). These areas would include the following uses (all of which are permitted uses per Section 6.6.2 of the Encinitas Ranch Specific Plan for the ER-R-30, Multi-Family Residential zone).

Organic Farm

Approximately 5.5 gross acres in the northern portion of the project site would remain in agricultural use as an organic farm, including appurtenant structures. The existing operation on the project site has historically functioned as a private, commercial enterprise. With the proposed project, the agricultural operation would shift to a more public, community-serving amenity, open to Fox Point Farms residents as well as the larger community of Encinitas. Produce from the farm would be made available by various means, including an on-site farm stand, hosted farm-to-table dinners, and at the on-site farm-to-table restaurant.

Agricultural Produce Sales (Farm Stand)

The farm stand would sell locally grown produce from the on-site organic farm to residents of Fox Point Farms and to the larger public. It is planned to be located on the first level of the barn building in the northern portion of the agricultural amenity area (see Figures 2.0-9a and 2.0-9b) and would be open to the public seven days a week (anticipated from 9 am to 5 pm).

Farm-to-Table Restaurant

The proposed farm-to-table restaurant would be the first of its kind in San Diego County, sourcing its ingredients and produce from the adjacent organic farm operation. The restaurant would include indoor and outdoor seating within the barn building (second level), with an expansive deck overlooking the organic farm and the Magdalena Ecke Open Space Preserve in the distance (see Figures 2.0-9a and 2.0-9b). The restaurant would be open to the public seven days a week

(10 am to 10 pm) and would serve beer, wine, and liquor. The provision of those beverages would be ancillary to the primary use of the space as a farm-to-table restaurant. Parking would be provided in the adjacent parking lot consistent with the Encinitas Municipal Code parking requirements (1 space per 100 square feet of area); refer also to Section 2.3.5, Parking, below.

Outdoor Dining Uses

The outdoor dining area would typically be used for hosted community dinners, with food provided by the on-site organic farm and other locally grown food. The community dinners would occur approximately once a month, likely on a Friday or Saturday evening from 5 pm to 8 pm, and would be served by the on-site farmers and/or guest chefs. This area would also be used as an informal dining/seating area for restaurant patrons. The outdoor dining area is proposed adjacent to the barn building (see Figure 2.0-5).

Outdoor Event Uses

Outdoor event uses would utilize the modern greenhouse structure, outdoor patio, community area, and event lawns for various types of events, including but not limited to: movie nights on the green, collaborative educational events with the local school district, parties, yoga events, and weddings (see Figures 2.0-9c and 2.0-9d). These uses are located in the southern portion of the agricultural amenity area (see Figure 2.0-5). Movie nights would occur approximately once a month and during the evening time (after 7 pm). Educational events with the local school district would occur approximately once a month, midweek, between the hours of 9 am and 3 pm. Parties would occur with varied frequency depending on demand, and weddings would occur no more than three times per month. These events would occur during regular hours of operation, with the limitation that any outdoor amplified music or other entertainment would not occur past 10:00 p.m. and would be controlled by the owner to ensure compliance with City requirements.

Farm Operations Buildings

Two buildings in the northeast portion of the project site would be used for operation of the organic farm. This would include one building for farm equipment and farm animals (goats, chickens, etc.), and one building for office uses and the sorting and processing of fresh produce. Refer to Figures 2.0-9e and 2.0-9f.

2.3.3 Recreation Center and Open Space

A recreation center is proposed southwest of the main entry to the community on Quail Gardens Drive. The recreation center would be approximately 10,000 square feet and would serve as a community gathering place for project residents and would include mail/parcel pick up, a leasing

office, lounge areas, and fitness and workout areas (including a yoga room and golf simulator). The recreation center would also include outdoor passive and active uses including seating areas and BBQ islands, a pool for project residents, a dog run, and landscape areas. See Figures 2.0-10a and 2.0-10b for a depiction of the Recreation Center.

In addition to the recreation center, a central amenity area runs north/south through the middle of the project site. This 30-foot wide liner park corridor is amenitized with a series of activity nodes, including community gardens, a community "reading room", trails, open lawn areas, and a bocce ball court. The linear park is approximately 0.4 acres. An edible paseo, consisting of a pedestrian pathway with fruit trees and other edible landscaping, is proposed within a 50-foot setback buffer on the western boundary of the project site. The edible paseo would continue as a trail along the northern edge of the project site and would include active fitness nodes at various locations. Connections would be made to existing pedestrian facilities including sidewalks along Leucadia Boulevard and Quail Garden Drive.

2.3.4 Access and Circulation

Access to the site would be provided at approximately the existing access point along Quail Gardens Drive. Minor improvements would be made to the entry drive to provide two lanes. Additionally, to accommodate the anticipated full length of the future southbound left-turn queue on Quail Gardens Drive south of the project entrance, the proposed project will reconstruct the median to lengthen the southbound left-turn storage pocket by 25 feet at the Leucadia Boulevard/Quail Gardens Drive intersection and shorten the northbound left-turn pocket at the project driveway since there is sufficient storage to serve the project-related vehicle trips.

Interior circulation is proposed via a two-lane, 26-foot-wide roadway system that would connect east-west through the site. An internal fire access loop road and series of private alleys would provide vehicular access to all residential units. This roadway system would provide direct access to private garages and would be privately owned and maintained. All private roadways have been designed to meet City standards. Private pedestrian pathways are proposed along all internal streets.

While the project does not propose access to or from Sidonia Street, because the project site includes frontage on Sidonia Street, the proposed project would widen and improve Sidonia Street to meet the City's standards for a local residential street (see Figure 2.0-11, Off-Site Improvement Plan). This includes the construction of a sidewalk and landscaping along the project's frontage with the eastern side of Sidonia Street, consistent with the City's Street Design Manual. This sidewalk would connect to sidewalks on Leucadia Boulevard and existing sidewalks on Sidonia Street, north of the project site.

Emergency Access

The access point at Sidonia Street is proposed as gated emergency access only (no vehicular access for residents), consistent with community feedback received during the NOP scoping period and associated conversations with City staff.

An "option" to retain full secondary access to Sidonia Street has been analyzed in this EIR (described throughout this EIR as the "Sidonia Secondary Access Option").

2.3.5 PARKING

A total of 561 parking spaces would be provided as part of the project, through a combination of garage parking and surface parking (refer to Figure 2.0-5 and Figure 2.0-6). This includes a parking lot which would serve the proposed restaurant and event space on the eastern edge of the project site, within Lot 2.

Residential Parking

Of the 561 total parking spaces, 481 would be designated residential parking spaces, substantially exceeding the State Density Bonus Law parking requirement of 395 residential parking spaces. All residential parking (exclusive of guest parking) would be provided consistent with Municipal Code parking requirements. Guest parking, while not provided for directly, would be shared with surface residential parking spaces throughout the project. Residential parking would be provided in a mix of 1- and 2-car private garages. A total of 309 garage parking spaces would be provided for the 197 apartments, and 86 garage parking spaces would be provided for the 53 for-sale condominiums. An additional 86 surface parking spaces would be provided throughout the residential community.

Non-residential Parking

The remaining 80 non-residential parking spaces would be provided for the farm, farm stand, restaurant, and event spaces as shown below in Table 2.0-2, Non-Residential Parking Requirements. The non-residential uses (all of which are permitted uses per Section 6.6.2 of the Encinitas Ranch Specific Plan for the ER-R-30, Multi-Family Residential zone) would be parked consistent with the parking use categories and associated parking ratios identified in the Encinitas Municipal Code (Section 30.54.030 – Schedule of Required Off-Street Parking). These parking use categories and ratios are identified in Table 2.0-2.

Table 2.0-2: Non-Residential Parking Requirements

Use	Use Size	Parking Use Category (per Municipal Code)	Parking Ratio	Parking Required
Farm	5.5 acres (gross)	Horticulture	1 space per 2 acres	3
Restaurant	3,500 net square feet, 5,500 gross square feet (includes indoor space, decks, ground-level dining, and back-of-house/bathrooms)	Restaurants	1 space per 100 square feet of area	55
Farm Stand	1,232 net square feet, 3,213 gross square feet	Agricultural Roadside Stands	5 spaces	5
Event Space	2,170 gross square feet (includes indoor space and outdoor space)	Places of Public Assembly	1 space for every 3 persons	16
TOTAL NON-RESIDENTIAL PARKING REQUIRED:				**79**
TOTAL NON-RESIDENTIAL PARKING PROVIDED:				**80**

The 16 event parking spaces, per the required parking ratio, will accommodate events with up to 48 people. Any proposed events larger than 48 people would require that the restaurant be closed in order to utilize the 55 restaurant parking spaces (in addition to the 16 standard event spaces) for those larger events. Events larger than 175 people will not be permitted. A parking study will be completed during the first year of operations to assess actual parking demand for all non-residential uses.

2.3.6 LANDSCAPING

Ornamental landscaping would be planted along the on-site roadway system, the agricultural amenity area, private recreation center, central linear park, and in and around the bioretention basins (refer to Figure 2.0-4) Maintenance of all landscaping would be the responsibility of the Master Homeowner's Association (HOA). A number of on-site mature trees along Leucadia Boulevard and Quail Gardens Drive would also be maintained or replaced in-kind with project implementation; refer to Figure 2.0-12a, Conceptual Landscape Plan.

The proposed project includes a variety of walls and fences on the south, west, north and east sides of the project site, as well as internal walls and fences. Refer to Figure 2.0-12b, Fence Plan, for a depiction of the location and types of fencing throughout the project site. The proposed walls and fences are also depicted in Figure 2.0-12c, Sidonia Street Interface, and Figure 2.0-12d, Leucadia Boulevard Interface.

2.3.7 SIGNAGE

Signage is proposed at the entry along Quail Gardens Drive. The signage would be consistent with City of Encinitas signage design standards for residential uses to minimize potential aesthetic effects and to ensure consistency with the character of the surrounding neighborhood. In addition, a water tower is proposed at this entry which would serve as an accessory use compatible with the overall design of the project. The project proposes to use an identifying sign or other symbol on the water tower in accordance with the City of Encinitas signage design standards. Refer to Figure 2.0-12e, Signage and Monumentation Plan, for a depiction of the proposed signs at the project entry and the proposed farm-to-table restaurant, as well as monumentation throughout the project site.

2.3.8 UTILITIES

Water

Public water service for the project would be provided by the San Dieguito Water District. Public water service is currently provided to the agricultural operation and one on-site residence. To receive water service, the project proposes to make a connection to the existing 20-inch line in Quail Gardens Drive and a connection to the existing 10-inch line in Sidonia Street and construct a public water loop between these connections. The on-site public loop line would be located within the private access driveway and has been preliminarily sized as 8-inch to meet the anticipated fire flow requirements for the project. Additional 8-inch public water system piping would be extended from this main loop line. All on-site fire hydrants and building fire sprinkler laterals would be connected to these public lines. The on-site public line is also anticipated to supply the domestic service laterals and meters for each building. See Figure 2.0-13, Water Service (Proposed).

Refer to Section 3.14, Utilities and Service Systems, for specific details regarding proposed improvements for the provision of water service.

Sewer

Sewer service to the proposed project would be provided by the City of Encinitas (Encinitas Sanitary District). The project site is situated at the very north end of the Encinitas Sanitary District service area. Flows from this area are eventually conveyed to the Encinitas trunk sewer line located south of the project site in Encinitas Boulevard. The existing sewer system in the project vicinity consists of gravity sewer pipelines. There is an existing 8-inch gravity sewer line in Quail Gardens Drive, as well as an existing 8-inch gravity sewer line in Sidonia Street. The proposed project would sewer to the existing collection system in Leucadia Boulevard. Project

flows would be conveyed to Sidonia Street at the approximately location of the secondary access point, and then would be conveyed south to a point of connection to the existing City sewer system in Leucadia Boulevard. See Figure 2.0-14, Sewer Service (Proposed).

Refer to Section 3.14, Utilities and Service Systems, for specific details regarding proposed improvements for the provision of sewer service.

Stormwater Facilities

Under current conditions, a majority of the site drains from east to west and enters into Sidonia Street via surface/sheet flow. The eastern edge and northeast portion of the site flows northeast via surface flow and is collected in a concrete brow ditch and conveyed north where it discharges into the Magdalena Ecke Open Space Preserve located to the north of the project site. Drainage from the existing entry driveway of the site travels southeast and is collected in a concrete brow ditch where it is eventually collected and pumped to the existing reservoir located at the southeast corner of Quail Gardens Drive and Leucadia Boulevard. Finally, drainage from the southern portion of the site flows south into an existing swale and is collected and conveyed east via storm drain and enters into the existing storm drain system within Quail Gardens Drive.

On-site improvements are proposed to enhance this existing infrastructure for the transport of stormwater flows from the site. In particular, the existing drainage system that discharges from the northwest corner of the site surface flows onto Sidonia Street and would be redirected to the new proposed system conveying runoff directly into the City's storm drain system rather than across Sidonia Street. The improvements proposed with the project would enhance existing drainage/storm water quality conditions by conveying this runoff to on-site biofiltration basins and the City's storm drain system.

The project includes a drainage network designed to control and filter stormwater runoff in conformance with the requirements of the San Diego Regional Water Quality Control Board (RWQCB) and the City of Encinitas. The proposed stormwater system would include the use of on-site storage of stormwater in basins with outlets to regulate the flow rate and duration of stormwater released, and bioretention basins to slow and sequester runoff. With incorporation of these improvements, the project would alleviate the existing flooding issues on Sidonia Street during large storm events. See Figure 2.0-15, Water Quality Treatment (Proposed).

Refer to Section 3.8, Hydrology and Water Quality, for specific details regarding proposed stormwater improvements.

Electricity

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

2.3.9 CONSTRUCTION PHASING

The project site is currently utilized as a commercial nursery. Greenhouses, sheds, restrooms, a boiler room, and other supporting structures would be removed from the property to allow for the proposed land uses and supporting infrastructure. Refer also to Section 2.5, Environmental Setting, below.

Development of the site would occur at one time, and would not be phased. All proposed site improvements are anticipated to be constructed within a period of approximately 6 to 8 months, beginning in June 2021. Thereafter, an 18-month vertical construction schedule is anticipated to build the 250 residential units and associated agrihood structures. Table 2.0-3, below, provides the estimated project construction schedule.

Table 2.0-3: Anticipated Construction Schedule

Construction Phase	Start Date	End Date	Duration
Demolition	June 1, 2021	June 30, 2021	23 days
Grading	July 1, 2021	September 30, 2021	69 days
Utilities and Infrastructure	October 1, 2021	December 31, 2021	69 days
Paving	January 1, 2022	January 31, 2022	23 days
Building Construction	February 1, 2022	July 31, 2023	18 months

2.3.10 GRADING

The project site would be graded to allow for the proposed improvements. Grading required for project implementation would include approximately 28,000 cubic yards (c.y.) of cut and 28,000 c.y. of fill in a balanced grading operation (see Figure 2.0-16, Preliminary Grading Plan). Proposed maximum cut slopes would be 8 feet in height; maximum fill slopes would be 5 feet in height. Approximately six to eight cubic yards of diesel-contaminated soil is present on-site and, in compliance with the County approved Soil Management Plan, would require remediation as part of project grading. Grading activity is anticipated to last approximately three months.

2.3.11 SUSTAINABILITY

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

1. The project would install low flow water fixtures in all residential units.
2. All lighting within the project would be designed using LED technology for both indoor and outdoor areas.
3. The project would provide separate waste containers to allow for simpler material separations, or the project would pay for a waste collection service that recycles the materials in accordance with AB 341 to achieve a 75% waste diversion. 100% of all green waste would be diverted from landfills and recycled as mulch and used on-site.
4. The project would not install hearth options in residential units.
5. The project would be required to utilize Tier 4 construction Equipment with Diesel Particulate Filters (DPF) attached or equivalent.
6. The project would install 434 kilowatts (kW) of solar.
7. The project would provide circuit and capacity in all 250 residential garages for use by electric vehicles, and would install 13 Electric Vehicle (EV) Charging Stations in surface parking areas throughout the project site.
8. The project would install high-efficiency water heaters or solar water heater systems.
9. The project would comply with ENERGYSTAR appliance requirements, and would meet ENERGYSTAR for Homes.
10. The project would install water efficient/drought tolerant and/or native landscape, use smart evapotranspiration controllers, would use reclaimed water on non-agricultural project landscaping areas and would limit conventional turf.
11. The project would install high-efficiency heating, ventilation, and air conditioning (HVAC) systems areas.
12. The project has been designed such that most buildings are oriented in a north/south direction.

13. The project includes a mix of uses, including an on-site restaurant, on-site recreation areas (community recreation center, trail system, linear park) and is within walking distance of off-site retail and commercial centers areas.

14. The project would improve duct insulation 15 percent over 2013 Title 24.

15. The project would comply with CalGreen Tier II standards.

16. The project would install a storm water reuse system on-site to collect, filter and re-use captured stormwater in landscaped areas.

17. The project would provide residential development within walking and biking distance of local retail.

Many of the measures listed above are outlined in the City's 2019 Housing Element Update Environmental Assessment measure GHG-3, Table A, as recommended measures.

Transportation Demand Management (TDM) Program

The project would also implement a Transportation Demand Management (TDM) program to reduce automobile trips, both internal and external to the community. TDM measures proposed for the project include:

Land Use Strategies

- "Mix of Uses" - The project provides a mix of land uses, including residential, commercial and recreational uses, so that residents of the proposed project have access to basic amenities without having to travel outside of the project site. This proximity would lower vehicle miles traveled because residents can use non-automobile transportation modes to reach the various uses available within the site.

- "Affordable Housing" - The project provides 40 very-low income affordable housing units, which provide greater opportunity for lower income families to live closer to jobs centers and achieve jobs/housing match near transit and allow a greater number of families to be accommodated within a given building footprint.

Travel and Commute Services for Residents and Employees

- "Pedestrian Connections" - The project would develop a pedestrian network that provides accommodations on-site as well as convenient pedestrian access to Leucadia Boulevard and Quail Gardens Drive.

- "Multi-use Trail" - The project Conceptual Site Plan includes a multi-use path that loops the site. Multi-use trails and paths comprise a total of nearly two miles within the site. The multi-use trails and paths shall be constructed in conformance with that shown on the approved final Conceptual Site Plan.

Commute Trip Reduction Strategies

- "Business Center"- The project would include a resident business center in the community recreation center with Wi-Fi access for residents, printers/scanners, and other office amenities to enable residents to work remotely rather than commuting to work.
- "TDM Marketing Program"
  - Promote and advertise various transportation options, including promoting information and resources regarding SANDAG's iCommute program, which provides support to commuters through a variety of TDM measures, such as carpool matching services, vanpool, and other services.
  - Promote formal and/or informal networks among residents for carpool/ vanpool purposes.
  - Promote available websites providing transportation options for residents.
  - Create and distribute a "new resident" information packet addressing alternative modes of transportation.
  - "School Pool" - The project would coordinate and implement a "school pool" program for project students.

2.4 General Plan Land Use and Zoning

The City of Encinitas General Plan Land Use Map designates the project site as SP-3 (Encinitas Ranch Specific Plan). Existing zoning for the site is ER-AG. As mentioned previously, the project site is included in the City of Encinitas Housing Element Update, which was adopted by the City of Encinitas on March 13, 2019. As part of that Housing Element Update, the project site was designated with an R-30 overlay and is required to be developed with a minimum of 246 residential units.

Under the Encinitas Ranch Specific Plan, the project site is designated for a mix of ER-R-30 (30 units/acre residential uses) on approximately 14.2 acres, and agricultural uses (per the underlying agricultural zoning) on approximately 9 acres (see Figure 2.0-17, Encinitas Ranch Specific Plan).

The ER-R-30 designation allows multifamily residential uses up to 30 units/acre. The residential component of the project, as well as the five "agricultural amenity area" uses identified above, are "permitted uses" within the ER-R-30 zone in the Encinitas Ranch Specific Plan. The below language is excerpted from Section 6.6 of the Encinitas Ranch Specific Plan (as amended):

6.6 MULTI-FAMILY RESIDENTIAL ZONE ("ER-R-30" ZONE)

6.6.1 DESCRIPTION OF MULTI-FAMILY RESIDENTIAL ZONE

The multi-family residential zone establishes a density range of 25-30 dwelling units per net acre ("ER-R-30") consistent with the City of Encinitas General Plan Housing Element. The following uses and development standards are specific to ER-R-30 zoned properties in the Specific Plan Area.

6.6.2 USES PERMITTED

A. Permitted Uses. All uses identified as "permitted by right" in the R-30 OL zone, as defined in the Encinitas Municipal Code Zoning Matrix, shall be permitted uses within this Specific Plan zone ER-R-30. Additionally, the following uses shall be permitted uses within the ER-R-30 zone.

- *Agricultural produce sales*
- *Farmers Market*
- *Outdoor dining uses*
- *Outdoor event uses*
- *Farm-to-Table Restaurant*

B. Permitted Accessory Use. Any use that is not specifically listed in Subsection A above, may be considered a permitted accessory use, provided that the Development Services Director finds that the proposed accessory use is substantially the same in character and intensity as those listed in the designated subsections. Accessory uses are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to the primary use(s).

See Section 2.5.3, Planning Context, for additional information.

No changes to the existing land use or zoning are required or proposed to allow for project implementation. See Figure 2.0-17 depicting the approved zoning under the Encinitas Ranch Specific Plan.

Density Bonus

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

The proposed project would adhere to Density Bonus Law by providing 40 "very low" (affordable to households earning no more than 50 percent of area median income) affordable residential units, which represent 16 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 35 percent increase in unit count), the proposed project is not utilizing Density Bonus Law to increase density on the site.

Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. Two concessions are proposed.

1. Concession 1 – Project Setback from Leucadia Boulevard

   The first concession requested for the project is a reduction in setback from Leucadia Boulevard along the project's southern boundary. Per the Encinitas Ranch Specific Plan, the required setback for structures is 45 feet from the edge of the City-owned right-of-way. The project's structures would be constructed with a setback of 25 feet, or 20 feet less than the existing standard.[3]

2. Concession 2 – Internal Lot 4 Setback Reductions

   The second concession requested is the accommodation of reduced setbacks for the Lot 4 located adjacent to the apartment community of Lot 1. None of the reduced setbacks will be readily visible from outside the project boundary. The reduced setbacks are necessary to allow for the construction of a greater number of the 53 for-sale cottages/carriage units/townhomes as 2-story structures. The project proposes 40 two-story for-sale structures and three 3-story for-sale structures. Without the second concession, the project would require that those 2-story for-sale structures be converted to 3-story structures.

   - Waiver 1: Side yard setbacks of structures within Lot 4 from the boundary of Lot 1 will be reduced from 10 feet to 2 feet. The section of Lot 1 adjacent to Lot 4 consists of a

[3] Other Housing Element sites typically require a setback of only 10 feet from adjacent rights-of way under the R-30-OL designation.

26-foot-wide access road, not structures, and therefore the requested setback reduction will not result in adjacency conflicts.

- Waiver 2: Rear yard setback requirements for structures on Lot 4 will be reduced from 10 feet to 7 feet.

These waivers to implement the second concession would not have an adverse impact upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources. The proposed waivers would also not violate State or federal laws.

2.5 ENVIRONMENTAL SETTING

2.5.1 REGIONAL SETTING

Encinitas is located in northwestern coastal San Diego County. The City is bordered to the south by Solana Beach and to the west by the Pacific Ocean. Carlsbad borders Encinitas to the northeast and extends farther to the east and north, across Batiquitos Lagoon. Regional access to the project site is via I-5 to eastbound Leucadia Boulevard. El Camino Real, which runs north–south through Encinitas (and through San Diego County), intersects with Leucadia Boulevard approximately 0.9 miles east of the project site.

2.5.2 LOCAL SETTING

The project site is located within the community of Leucadia, one of five designated communities in the City. Under current conditions, access to the project site is via Quail Gardens Drive, which forms the eastern boundary of the site.

The subject property presently supports one single-family residential unit. The site is currently utilized for commercial agricultural purposes, supporting a series of greenhouses and associated structures for the growing of flowers for commercial sale. The greenhouses and supporting structures are currently utilized by the Dramm & Echter business, and would cease with approval of the project.

Because of the existing on-site uses, the subject property is highly disturbed/developed and no sensitive habitat is present. Off-site habitat to the north includes chaparral and coastal sage scrub. However, the proposed 5.4-acre organic farm would provide a buffer between this off-site habitat and the on-site residential uses (refer to Section 3.3, Biological Resources).

Naturally-occurring steep slopes are present along the northeastern property boundary but are not proposed to be impacted by development of the project site. A man-made grade-break

through the middle of the project site would be impacted by grading activities. On-site elevations range from approximately 310 to 325 feet above mean sea level (amsl). The project site overlooks the Magdalena Ecke Open Space Preserve (located immediately north of the site); the Pacific Ocean lies approximately 1.2 miles to the west.

The site is within walking/biking distance to Capri Elementary School (0.75 miles), shopping centers on El Camino Real (0.75 miles), Paul Ecke Sports Park and the YMCA (0.85 miles), and is 0.7 miles from the Leucadia Boulevard/Interstate 5 (I-5) interchange. Transit stops are located on Leucadia Boulevard immediately adjacent to the site, providing residents with an affordable means of transportation to these community resources and jobs. Indian Head Canyon, a community resource for open space and trails, is located north of the Magdalena Ecke Open Space Preserve.

2.5.3 Planning Context/Project Background

In October 2017, as the City considered potential sites to include in its Housing Element Update, the project site property owner submitted a conceptual plan for consideration. In subsequent meetings, the project applicant met with the neighboring Fox Point community to present the agrihood proposal and solicit community feedback. Based on those meetings, the project applicant further refined plans for the agrihood concept. The City ultimately conducted over 30 public meetings to receive feedback on the Housing Element Update.

The project site is identified in the City of Encinitas Housing Element Update, which was adopted by the City of Encinitas on March 13, 2019. Subsequently, on June 13, 2019, the California Coastal Commission unanimously approved the Local Coastal Program Amendment (LCPA) associated with the City's Housing Plan Update. On July 10, 2019, the City Council adopted Ordinance No. 2019-08, accepting the Coastal Commissions LCPA as amended. Finally, on October 8, 2019, the California Department of Housing and Community Development (HCD) certified the City's Housing Element. The Housing Element designates the project site as an R-30 overlay with a minimum allocation of 246 units.

The project site is located within the boundaries of the Encinitas Ranch Specific Plan. As part of the 2019 Housing Element Update, the Encinitas Ranch Specific Plan was amended to allow for the development of an agrihood on the project site with up to 296 units, agriculture uses and permitted agriculture-related uses (refer to Section 2.4, above). Specifically, the Encinitas Ranch Specific Plan was amended to include Section 1.7, which states:

1.7 Specific Plan Amendment (Case No. 17-128)

The 2019 Specific Plan Amendment incorporated revisions to the Specific Plan in the Sidonia East Planning Area. In 2019, as part of the City's Housing Element Update, an approximately 16-acre portion of the Sidonia East Planning Area was designated for 246 to 296 multifamily residential units (at a density of 25 to 30 du/ac) as part of an "agrihood" development. The site sits at the junction of a major 4-lane arterial and a local 2-lane road. The owner had expressed interest in developing 250 residential units in conjunction with a working agricultural practice. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site.

Subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to include the 15 housing element sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the project site (on page 24 of the staff report), the Coastal Commission found that:

As noted above, the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.

Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would

transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.

Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.

2.6 REQUIRED APPROVALS

The City of Encinitas is the lead agency for the project, as it is the agency with primary authority over the project's discretionary approvals. Several other agencies, identified as responsible and trustee agencies, would also use the EIR for their consideration of approvals or permits under their respective authorities. For the purposes of CEQA, the term trustee agency means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the state of California. The term responsible agency includes all public agencies other than the lead agency that may have discretionary actions associated with the implementation of the proposed project or an aspect of subsequent implementation of the project. Accordingly, the approvals anticipated to be required from the lead agency, trustee agencies, and/or responsible agencies are listed in Table 2.0-4, Required Approvals and Permits.

Table 2.0-4: Required Approvals and Permits

Permit/Action Required	Approving Agency	Lead/Trustee/Responsible Agency
Density Bonus Tentative Map	City of Encinitas (City)	Lead Agency
Coastal Development Permit (CDP)	City	Lead Agency
Design Review	City	Lead Agency
Landscape Plan	City	Lead Agency
Environmental Impact Report (EIR)	City	Lead Agency
General Construction Stormwater Permit	San Diego RWQCB	Responsible Agency
NPDES Permit	San Diego RWQCB	Responsible Agency
Construction Permit and/or Encroachment Permit	City	Lead Agency
Stormwater Quality Management Plan/ Drainage Plan	City	Lead Agency
Grading Permit	City	Lead Agency
Building Permit	City	Lead Agency
Improvement Plans	City	Lead Agency

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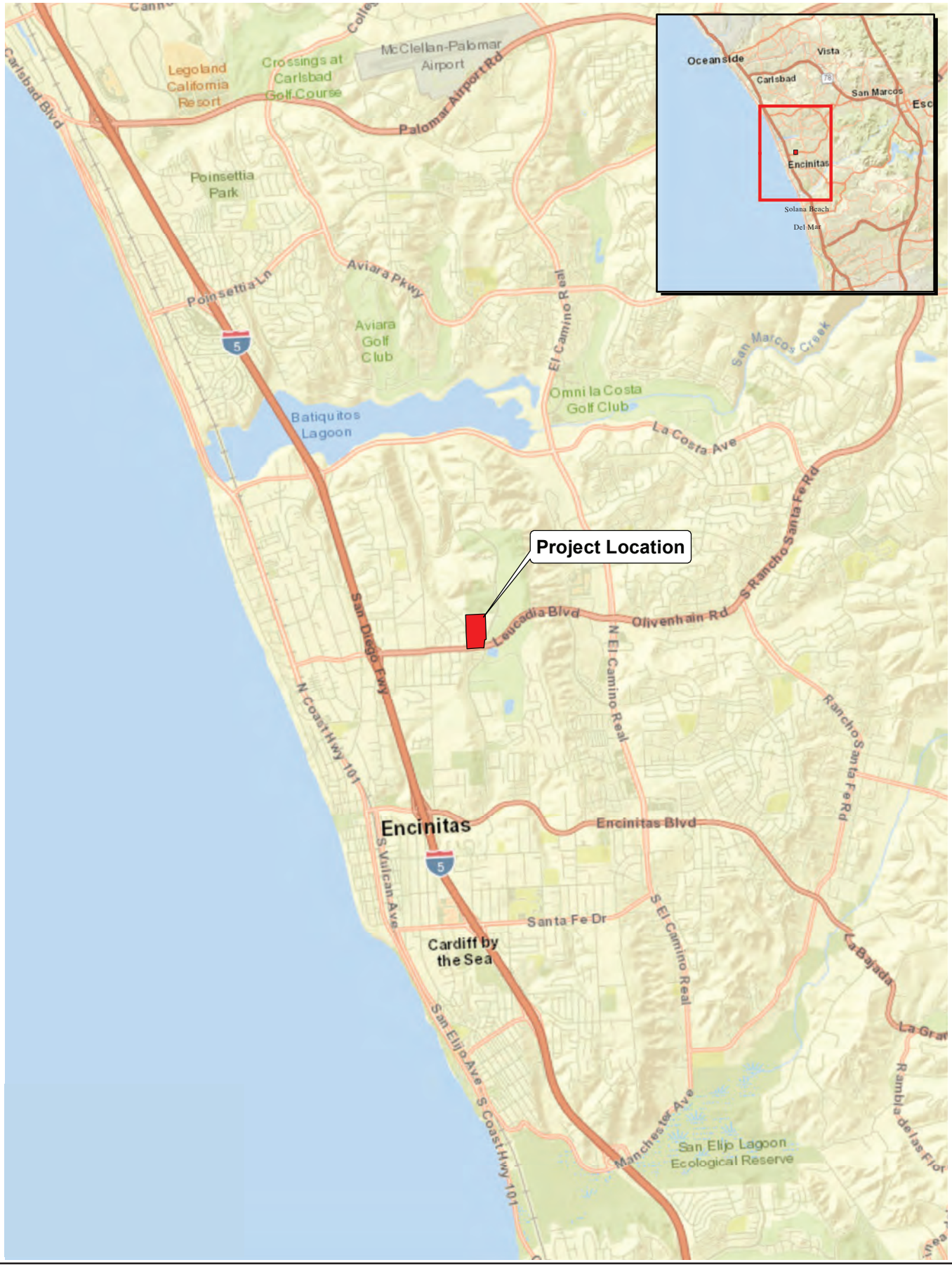

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File: 176761EIRExhibits.indd

Miles 0 1

Source: ECORP, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Regional Location Map

Figure 2.0-1

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0 125 250 Feet

Source: SanGIS, ESRI, Open Street Map

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Project Vicinity Map

Figure 2.0-2

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FOX POINT FARMS
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Existing Site Conditions

Figure 2.0-3

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Source:

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ENVIRONMENTAL IMPACT REPORT

Proposed Project

Figure 2.0-4

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Source:

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LEGEND

1 SITE ACCESS
2 FLOWER FIELDS
3 GREENHOUSE & COMMUNITY EVENT SPACE
4 PARKING WITH DECOMPOSED GRANITE PAVING
5 OUTDOOR EDUCATION AND EVENT PATIO
6 ENHANCED PAVING AT CROSSINGS
7 EMERGENCY ACCESS ONLY (GATE AND KNOX BOX)
8 ENTRY SIGN / WATER TOWER
9 EVENT LAWN
10 COMMUNITY GARDENS
11 FARM TO TABLE DINING AREA
12 COMMUNITY RECREATION CENTER
13 FARM TO TABLE RESTAURANT/FARM STAND
14 DISCOVERY GARDEN
15 FARM OPERATIONS
16 SOCIAL SPACE
17 OUTDOOR COMMUNITY LIBRARY
18 COMMUNITY TRAIL WITH FITNESS NODES
19 WATER QUALITY BASINS
20 BOCCE COURT
21 OUTDOOR FARM ANIMAL AREA
22 ORCHARD / FRUIT TREES
23 DOG RUN AND DOG WASH
24 BIKE RACKS
25 SWING TRELLIS
26 VINE TRELLIS
27 FARM EVENT SEATING
28 SPECIAL EVENT TRELLIS
29 HOOP HOUSE AND NURSERY PREP AREA
30 TRACTOR
31 ANIMAL INTERPRETIVE AREA

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File: 176761EIRExhibits.indd

0 25 50 100

Source: Steinberg Hart, 2020; Pasco Laret Suiter,2020; Schmidt Design Group, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Conceptual Site Plan

Figure 2.0-5

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SHEET T1.1

MULTI-3524-2019/CPP-3525-2019/SUB-3526-2019/ USE-3527-2019/DR-3528-2019/CDPNF-3529-2019

FOX POINT FARMS

1150 QUAIL GARDENS DR, ENCINITAS, CA

LEGEND

PROPERTY BOUNDARY	
RIGHT-OF-WAY	
PROPOSED PARCEL LINE	
ADJACENT PROPERTY LINE	
PARCEL NUMBER	LOT 4
PARCEL AREA	5,000 SF
CENTERLINE OF ROAD	
PROPOSED SETBACKS	
EXISTING UTILITY EASEMENT	

EXISTING EASMENTS

EASEMENT PER PRELIMINARY TITLE REPORT PROVIDED BY CHICAGO TITLE COMPANY DATED NOVEMBER 26, 2019

(4) EASEMENT FOR ROAD PURPOSES TO SAN DIEGUITO IRRIGATION DISTRICT RECORDED NOVEMBER 22, 1972, AS DOC. NO. 313296 OF O.R. TO BE VACATED

(5) EASEMENT FOR PUBLIC UTILITIES TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED AUGUST 20, 1974, AS DOC. NO. 1974-225952 OF O.R. TO BE VACATED

(6) EASEMENT FOR PUBLIC UTILITIES TO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED SEPTEMBER 13, 1978, AS DOC. NO. 1978-390077 OF O.R. TO BE VACATED

(7) EASEMENT FOR ROAD PURPOSES TO THE COUNTY OF SAN DIEGO RECORDED MARCH 24, 1988, AS DOC. NO. 1988-134724 OF O.R. TO BE VACATED

(11) EASEMENT FOR INGRESS AND EGRESS PURPOSES TO R.E.L.S. INC. RECORDED SEPTEMBER 29, 1994, AS DOC. NO. 1994-0578948 AND RE-RECORDED OCTOBER 12,1995, AS DOC. NO. 1995-0461451, BOTH OF O.R. TO BE VACATED

(12) EASEMENT FOR DRAINAGE PURPOSES TO R.E.L.S. INC. RECORDED SEPTEMBER 29, 1994, AS DOC. NO. 1994-0578948 AND RE-RECORDED OCTOBER 12, 1995, AS DOC. NO. 1995 1995-0461451, BOTH OF O.R. TO BE VACATED

(20a) EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES TO THE CITY OF ENCINITAS PER MAP NO. 13356 RECORDED SEPTEMBER 4, 1996, AS FILE NO. 1996-448340 OF O.R.

(20b) EASEMENT FOR PEDESTRIAN ACCESS PURPOSES TO THE CITY OF ENCINITAS PER MAP NO. 13356 RECORDED SEPTEMBER 4, 1996, AS FILE NO. 1996-448340 OF O.R.

(20c) EASEMENT FOR PRIVATE WATER LINE PURPOSES RESERVED FOR FUTURE GRANT PER MAP NO. 13356 RECORDED SEPTEMBER 4, 1996, AS FILE NO. 1996-448340. TO BE VACATED

(25) EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES TO SAN DIEGO GAS & ELECTRICITY COMPANY RECORDED JANUARY 29, 1998, AS DOC. NO. 1998-0046663 OF O.R. (PARCEL A SHOWN, PARCEL B & C DOES NOT AFFECT PROPERTY)

(26) EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES TO SAN DIEGO SAN DIEGO GAS & ELECTRIC COMPANY RECORDED JANUARY 29, 1998, AS DOC. NO. 1998-0046797 OR O.R. (PARCEL A SHOWN, PARCEL B NOT PLOTTABLE)

(30) EASEMENT FOR LANDSCAPE MAINTENANCE PURPOSES TO THE CITY OF ENCINITAS RECORDED DECEMBER 17, 2002, AS DOC. NO. 2002-01153620 OF O.R.

PROPOSED EASEMENTS

1. PROPOSED PUBLIC EASEMENT FOR PRIVATE ROADS TO THE CITY OF ENCINITAS
2. PROPOSED SEWER EASEMENT TO THE ENCINITAS SANITARY DISTRICT
3. PROPOSED WATER EASEMENT TO THE SAN DIEGUITO WATER DISTRICT
4. PROPOSED PEDESTRIAN ACCESS EASEMENT TO THE CITY OF ENCINITAS
5. PROPOSED PRIVATE DRAINAGE EASEMENT

UTILITIES

WATER	SAN DIEGUITO WATER DISTRICT
FIRE	ENCINITAS FIRE PROTECTION DISTRICT
SEWER	ENCINITAS SANITARY DISTRICT
ELEMENTARY SCHOOL	ENCINITAS UNION SCHOOL DISTRICT
HIGH SCHOOL	SAN DIEGUITO UNION SCHOOL DISTRICT

SOLAR STATEMENT

THIS IS A SOLAR SUBDIVISION AS REQUIRED BY THE SUBDIVISION ORDINANCE. ALL PARCELS TO HAVE AT LEAST 100 SQUARE FEET OF UNOBSTRUCTED ACCESS TO SUNLIGHT ON THE BUILDABLE PORTION OF THE PARCEL.

CALIFORNIA LAMBERT COORDINATES

CALIF COORD. INDEX 328-1683

DENSITY CALCULATIONS

PER ORDINANCE 2019-04, AND ENCINITAS RANCH SPECIFIC PLAN AMMENDMENTS,

DEVELOPABLE NET ACREAGE = 9.858 AC

9.858 AC X 25.36 DU/AC = 250 DU

AREA CALCULATIONS

GROSS AREA	= 935,599 SF (21.47 AC)
EXIST PUBLIC ROAD	= 77,037 SF (1.77 AC)
NET AREA	= 858,562 SF (19.71 AC)
IMPERVIOUS AREA	= 401,350 SF (9.21 AC)
PERVIOUS AREA	= 457,212 SF (10.50 AC)
PERCENT IMPERVIOUS	= 46.7%
SLOPE ANALYSIS	
0% - 25%	= 828,839 SF (19.03 AC)
25% - 40%	= 13,922 SF (0.32 AC)
40% +	= 15,801 SF (0.36 AC)

GRADING/EARTHWORK

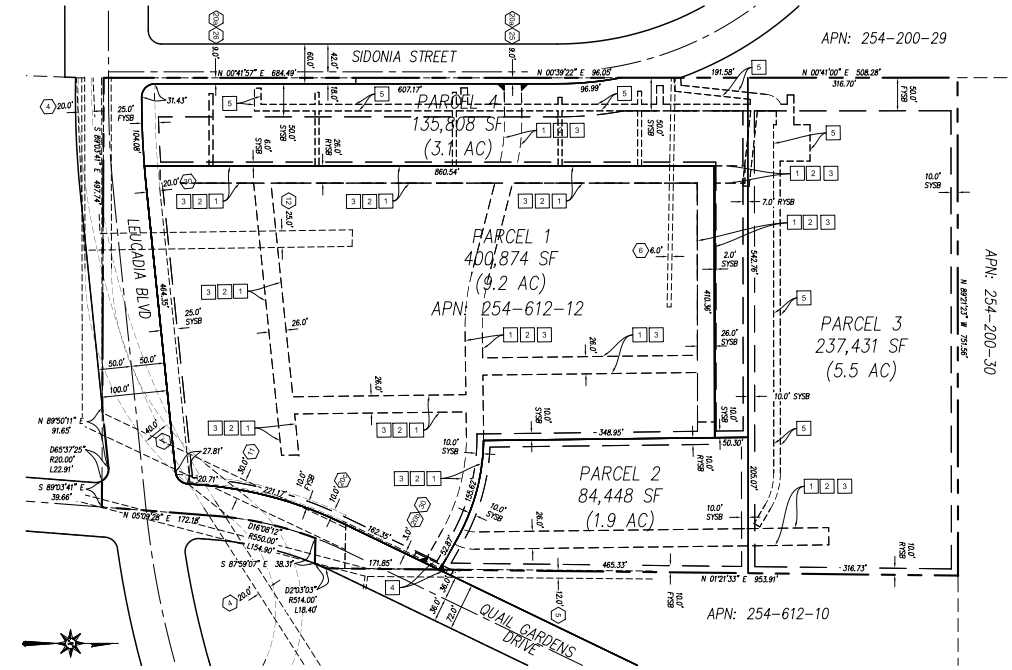
TOTAL AREA DISTURBED: ± 858,562 SF (19.41 AC)
CUT VOLUME: ± 28,000 C.Y.
FILL VOLUME: ± 26,500 C.Y.

EXPORT VOLUME: ± 1,500 C.Y.

MAX CUT: ± 9.3
MAX FILL: ± 6.9

CONDOMINIUM NOTE

PARCELS 1 AND 4 OF THIS SUBDIVISION ARE CONDOMINIUM PARCELS AS DEFINED IN SECTION 1351 AND/OR 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, AND THIS MAP IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THERE WILL BE A MAXIMUM OF 4 CONDOMINIUM UNITS ON PARCEL 1 AND 53 DWELLING UNITS ON PARCEL 4. PARCEL 2 OF THIS SUBDIVISION IS A COMMERCIAL LOT AND PARCEL 3 IS AGRICULTURAL OPEN SPACE.



LOT LAYOUT
1"=80'

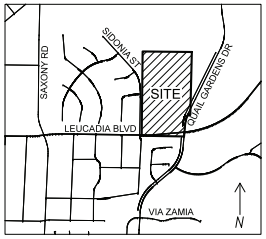
ZONE REQUIREMENTS	R-30	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
NET LOT AREA (SF)	30,000	400,874	84,448	237,431	135,808
LOT WIDTH	100	860	465	316	132
LOT DEPTH	150	437	205	751	914
FRONT YARD SETBACK	10	10	10	50	25
SIDE YARD SETBACK	10/10	10/26	10/10	10/10	2/50
REAR YARD SETBACK	10	26	10	10	7
45° SETBACK PER ERSP	–	25'	–	–	25'
30' LDZ SETBACK PER ERSP*	–	35'	–	–	35'
13' LDZ SETBACK PER ERSP*	–	27'	–	–	–
BUILDING FOOTPRINT	–	143,961	4,501	2,262	59,596
LOT COVERAGE	65%	35.9%	5.3%	1.0%	43.9%

*MEASURED FROM THE EDGE OF PAVEMENT

= REQUESTED CONCESSION OR WAIVER UNDER DENSITY BONUS

SCOPE OF WORK

THE PROJECT PROPOSES TO SUBDIVIDE AN EXISTING LEGAL LOT INTO 4 PARCELS CONSISTING OF 53 FOR-SALE RESIDENTIAL CONDOMINIUMS, 197 FOR-RENT MULTIFAMILY RESIDENTIAL UNITS, AMENITY SPACES, AGRICULTURAL USES AND BUILDINGS, A RESTAURANT AND MULTI-USE EVENT/EDUCATION SPACE. THE PROJECT SEEKS APPROVAL OF A DENSITY BONUS TENTATIVE MAP, MAJOR USE PERMIT, DESIGN REVIEW PERMIT AND COASTAL DEVELOPMENT PERMIT. SITE IMPROVEMENTS WILL CONSIST OF GRADING, INSTALLATION OF PUBLIC AND PRIVATE UTILITIES, AND LANDSCAPING AND FLATWORK ASSOCIATED WITH THIS TYPE OF USE.



VICINITY MAP
NTS

OWNER'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE RECORDED OWNERS OF THE PROPERTY SHOWN ON THE ATTACHED TENTATIVE MAP AND THAT SAID MAP SHOWS THE ENTIRE CONTIGUOUS OWNERSHIP. I UNDERSTAND THAT PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS OF WAY.

OWNER: _____
ROBERT J. ECHTER
R.E.L.S., INC.
1150 QUAIL GARDENS DRIVE, ENCINITAS, CA 92024

SUBDIVIDER'S CERTIFICATE

THE SUBDIVIDER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY OF ENCINITAS AND ITS AGENTS, OFFICERS, AND EMPLOYEES FROM ANY CLAIM ACTION, OR PROCEEDING AGAINST THE CITY OF ENCINITAS OR ITS AGENTS, OFFICERS OR EMPLOYEES, TO ATTACK, SET ASIDE, VOID, OR ANNUL AN APPROVAL FROM THE CITY OF ENCINITAS CONCERNING THE SUBDIVISION WHEN SUCH ACTION IS BROUGHT WITHIN THE TIME PERIOD SPECIFIED IN GOV. CODE SECTION 66499.37. THIS CERTIFICATION IS CONDITIONED UPON THE CITY OF ENCINITAS PROVIDING PROMPT NOTICE TO THE SUBDIVIDER AS PROVIDED FOR BY THE ACT (GOV. CODE 66474.9)

SUBDIVIDER: _____
BRIAN GROVER AND SEAN KILKENNY
NOLEN COMMUNITIES, LLC
1680 N. COAST HIGHWAY 101, #51, ENCINITAS, CA 92024

ABBREVIATED LEGAL DESCRIPTION

PARCEL 54 OF LOT LINE ADJUSTMENT NO. 98-181 BA IN THE CITY OF ENCINITAS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO CERTIFICATE OF COMPLIANCE DOC. NO. 1999-0036120, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 22, 1996 (MORE FULLY DESCRIBED IN GRANT DEED RECORDED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDED AS DOCUMENT NO. 1999-0036121).

SITE ADDRESS

1150 QUAIL GARDENS DR.
ENCINITAS, CA 92024

DEMO INFORMATION

AREA OF EX. STRUCTURES LOCATED ONSITE = 608,900 SF
AREA OF EX. STRUCTURES TO BE REMOVED = 608,900 SF

TOPOGRAPHY

PREPARED BY: PASCO LARET SUITER & ASSOCIATES
DATED: 10/01/2019

ZONING INFORMATION

TOTAL PARCELS:	4 PARCELS
GENERAL PLAN DESIGNATION:	ENCINITAS RANCH SPECIFIC PLAN RESIDENTIAL (25-30 DU/AC)
ZONING REGULATIONS:	ENCINITAS RANCH SPECIFIC PLAN AGRICULTURAL, PUBLIC/SEMI-PUBLIC AND R-30 OVERLAY ZONE
HEIGHT	PER CODE 30.16.010 B6
PARCEL COVERAGE:	65%
MINIMUM PARCEL SIZE:	30,000 SF
PRESENT USE:	AGRICULTURAL
PROPOSED USE:	1 AGRICULTURAL PARCEL 2 RESIDENTIAL PARCEL 53 FOR SALE TOWN HOMES 197 FOR LEASE MULTIFAMILY UNITS

MINIMUM NET PARCEL SIZE:	85,207 SF	1.96 ACRES
MAXIMUM NET PARCEL SIZE:	538,691 SF	12.37 ACRES
AVERAGE NET PARCEL SIZE:	429,281 SF	9.86 ACRES

APN: 254-612-12

SETBACKS

	R-30	MIN PROPOSED
FRONT YARD (FYSB):	10'	10'
REAR YARD (RYSB):	10'	7'
STREET SIDE YARD (SYSB):	10'	10'
INTERIOR SIDE YARD (ISYSB):	10'	2'

ACCESS

QUAIL GARDENS DRIVE AND SIDONIA ST, BOTH PUBLIC ROADS

PREPARED BY

PREPARED BY:
PASCO LARET SUITER & ASSOCIATES, INC.
535 N. HIGHWAY 101, SUITE A
SOLANA BEACH, CA 92075
(858)259-8212

ENGINEER OF WORK

TYLER LAWSON, RCE 80356 — 03-02-2020 DATE

REGISTERED PROFESSIONAL ENGINEER — TYLER G. LAWSON — No. 80356 — Exp. 12/31/20 — CIVIL — STATE OF CALIFORNIA

OWNER

R.E.L.S., INC.
1150 QUAIL GARDENS DRIVE
ENCINITAS, CA 92024
760.436.0188

APPLICANT

NOLEN COMMUNITIES
1680 N. COAST HIGHWAY 101, #51
ENCINITAS, CA 92024
858.336.9337

CONSULTANTS

CIVIL ENGINEER:
PASCO LARET SUITER & ASSOCIATES
535 N HIGHWAY 101, SUITE A
SOLANA BEACH, CA 92075
858.259.8212

ARCHITECT:
STEINBERG HART
320 LAUREL STREET
SAN DIEGO, CA 92101
619.239.9292

LANDSCAPE ARCHITECT:
SCHMIDT DESIGN GROUP
1310 ROSECRANS STREET, SUITE G
SAN DIEGO, CA 92106
619.236.1462

SHEET INDEX

TITLE SHEET/TOP SHEET	T1.1
PRELIMINARY GRADING PLAN	C1.2
PRELIMINARY UTILITY PLAN	C1.3
PRELIMINARY OFFSITE IMPROVEMENT PLAN	C1.4
PRELIMINARY OFFSITE IMPROVEMENT PLAN	C1.5
DETAILS AND SECTIONS	C1.6
SLOPE ANALYSIS	C1.7
FIRE ACCESS PLAN	C1.8

PREPARED BY:
PASCO LARET SUITER & ASSOCIATES
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING
535 North Highway 101, Ste A, Solana Beach, CA 92075
ph 858.259.8212 | fx 858.259.4812 | plsaengineering.com

J:\ACTIVE JOBS\3084 NOLEN COMMUNITIES FOX POINT\CIVIL\DRAWING\DISCRETIONARY PLANS\3084-CV-TITL-01.DWG PLOTTED: 7/9/2020

Michael Baker INTERNATIONAL

File: 176761EIRExhibits.indd

Source: Pasco Laret Suiter, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Tentative Map

Figure 2.0-6

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LEFT SIDE ELEVATION

FRONT ELEVATION

B

RIGHT SIDE ELEVATION

SCHEME 1

COTTAGE - B

TYPICAL BUILDING MATERIALS

1	ASPHALT COMPOSITION SHINGLES.
2	2x RESAWN FASCIA BOARD.
3	2x RESAWN RAKE BOARD.
4	RESAWN WOOD POST/ BEAM/ TRELLIS / TRUSS.
5	RESAWN WOOD TRIM.
6	BOARD AND BATT SIDING.
7	HARDBOARD HORIZONTAL SIDING.
8	VINYL WINDOWS AND SLIDING GLASS DOORS.
9	SECTIONAL GARAGE DOOR.
10	METAL GUARDRAIL/ RAILING/GATE.
11	METAL AWNING.
12	RESAWN WOOD GATE/ FENCE.
13	STANDING SEAM METAL ROOF.

REAR ELEVATION

COTTAGE - EXTERIOR ELEVATIONS - 'B'

3/16"=1'-0"

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

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File: 176761EIRExhibits.indd

Not to Scale

Source: Starck, 2020

Cottage Unit

Figure 2.0-7a

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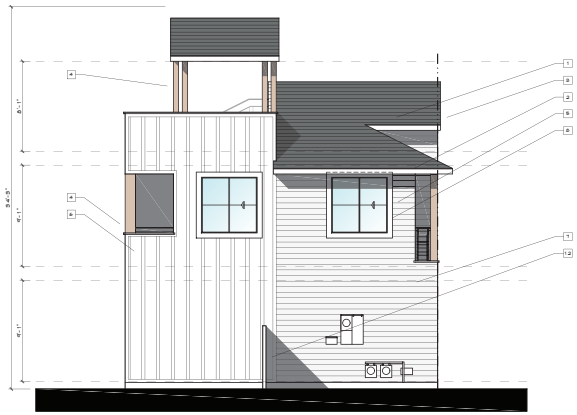
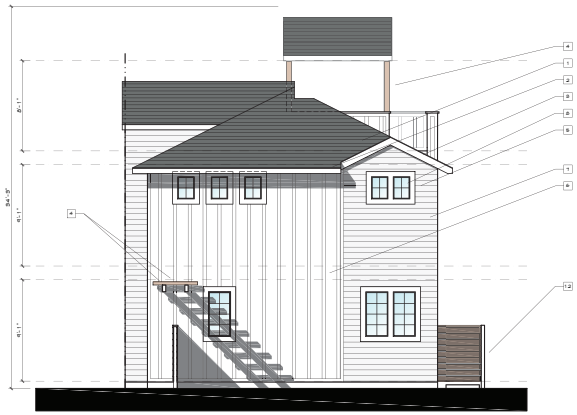


LEFT SIDE ELEVATION

FRONT ELEVATION

B



RIGHT SIDE ELEVATION

SCHEME 2

CARRIAGE - B

TYPICAL BUILDING MATERIALS	
1	ASPHALT COMPOSITION SHINGLES.
2	2x RESAWN FASCIA BOARD.
3	2x RESAWN RAKE BOARD.
4	RESAWN WOOD POST/ BEAM/ TRELLIS / TRUSS.
5	RESAWN WOOD TRIM.
6	BOARD AND BATT SIDING.
7	HARDBOARD HORIZONTAL SIDING.
8	VINYL WINDOWS AND SLIDING GLASS DOORS.
9	SECTIONAL GARAGE DOOR.
10	METAL GUARDRAIL/ RAILING/GATE.
11	METAL AWNING.
12	RESAWN WOOD GATE/ FENCE.
13	STANDING SEAM METAL ROOF.

REAR ELEVATION

CARRIAGE - EXTERIOR ELEVATIONS 'B'

3/16"=1'-0"

Michael Baker INTERNATIONAL

File: 176761EIRExhibits.indd

Not to Scale

Source: Starck, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Carriage Unit

Figure 2.0-7b

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FRONT ELEVATION

TYPICAL BUILDING MATERIALS

1. ASPHALT COMPOSITION SHINGLES.
2. 2x RESAWN FASCIA BOARD.
3. 2x RESAWN RAKE BOARD.
4. RESAWN WOOD POST/ BEAM/ TRELLIS / TRUSS.
5. RESAWN WOOD TRIM.
6. BOARD AND BATT SIDING.
7. HARDBOARD HORIZONTAL SIDING.
8. VINYL WINDOWS AND SLIDING GLASS DOORS.
9. SECTIONAL GARAGE DOOR.
10. METAL GUARDRAIL/ RAILING/GATE.
11. METAL AWNING.
12. RESAWN WOOD GATE/ FENCE.
13. STANDING SEAM METAL ROOF.

SCHEME 1

5-PLEX TOWNHOUSE

5-PLEX EXTERIOR ELEVATIONS

3/16"=1'-0"

Michael Baker INTERNATIONAL

File: 176761EIRExhibits.indd

Not to Scale

Source: Stark, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

For-Sale Townhome

Figure 2.0-7c

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6PLEX ELEVATION A 1

SCALE: 1/8" = 1'-0"

0 2' 4' 8' 16' 32'

SCALE: 1/8" = 1'-0"

6PLEX ELEVATION B 3

SCALE: 1/8" = 1'-0"

6PLEX ELEVATION C 2

SCALE: 1/8" = 1'-0"

0 2' 4' 8' 16' 32'

SCALE: 1/8" = 1'-0"

6PLEX ELEVATION D 4

SCALE: 1/8" = 1'-0"

KEY NOTES

1. ASPHALT SHINGLE ROOF - CHARCOAL
2. STANDING SEAM METAL ROOF - SLATE GREY
3. FIBER CEMENT SIDING - BOARD & BATTEN - WHITE
4. FIBER CEMENT SIDING - HORIZONTAL LAP - WHITE
5. PAINTED WOOD FASCIA - CHARCOAL / WHITE
6. ALUMINUM WINDOW / PATIO DOOR - BLACK
7. WOOD ENTRY DOOR - NATURAL STAIN
8. WOOD GARAGE DOOR - NATURAL STAIN
9. METAL QUADRAIL - BLACK W/ WOOD CAP RAIL
10. DECORATIVE GOOSENECK LIGHT FIXTURE

SEE COLOR AND MATERIALS BOARD FOR ADDL. INFO.

Michael Baker INTERNATIONAL

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

6-Plex Rental

Figure 2.0-7d

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7PLEX ELEVATION A 1

SCALE: 1/8" = 1'-0"

0 2' 4' 8' 16' 32'

SCALE: 1/8" = 1'-0"

7PLEX ELEVATION B 3

SCALE: 1/8" = 1'-0"

7PLEX ELEVATION C 2

SCALE: 1/8" = 1'-0"

0 2' 4' 8' 16' 32'

SCALE: 1/8" = 1'-0"

7PLEX ELEVATION D 4

SCALE: 1/8" = 1'-0"

KEY NOTES

1. ASPHALT SHINGLE ROOF - CHARCOAL
2. STANDING SEAM METAL ROOF - SLATE GREY
3. FIBER CEMENT SIDING - BOARD & BATTEN - WHITE
4. FIBER CEMENT SIDING - HORIZONTAL LAP - WHITE
5. PAINTED WOOD FASCIA - CHARCOAL / WHITE
6. ALUMINUM WINDOW / PATIO DOOR - BLACK
7. WOOD ENTRY DOOR - NATURAL STAIN
8. WOOD GARAGE DOOR - NATURAL STAIN
9. METAL GUADRAIL - BLACK W/ WOOD CAP RAIL
10. DECORATIVE GOOSENECK LIGHT FIXTURE

SEE COLOR AND MATERIALS BOARD FOR ADDL. INFO.

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Not to Scale

Source: SteinbergHart, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

7-Plex Rental

Figure 2.0-7e

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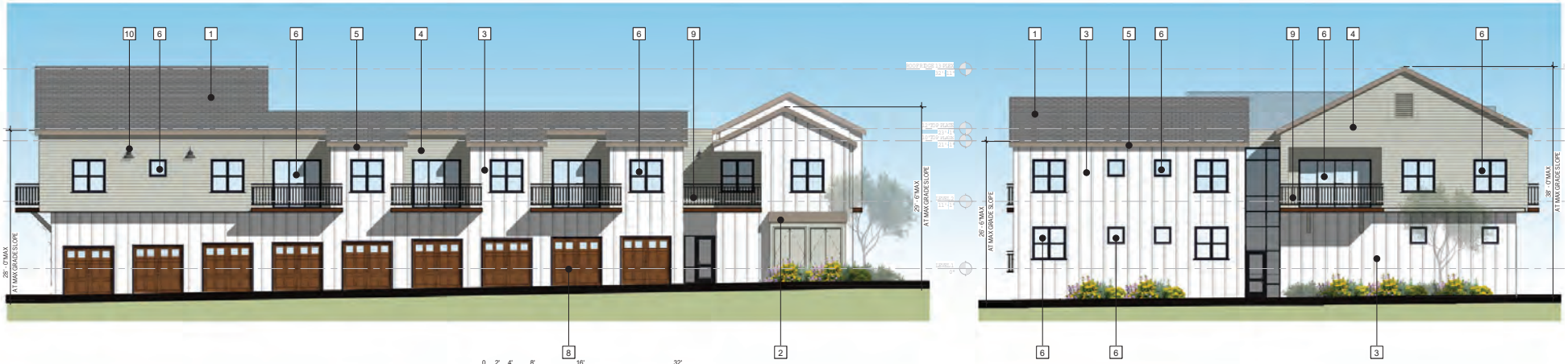
13PLEX ELEVATION A 2

SCALE: 1/8" = 1'-0"

13PLEX ELEVATION B 3



13PLEX ELEVATION C 1

SCALE: 1/8" = 1'-0"

13PLEX ELEVATION D 4

KEY NOTES

KEY NOTES

1. ASPHALT SHINGLE ROOF - CHARCOAL
2. STANDING SEAM METAL ROOF - SLATE GREY
3. FIBER CEMENT SIDING - BOARD & BATTEN - WHITE
4. FIBER CEMENT SIDING - HORIZONTAL LAP - WHITE
5. PAINTED WOOD FASCIA - CHARCOAL / WHITE
6. ALUMINUM WINDOW / PATIO DOOR - BLACK
7. WOOD ENTRY DOOR - NATURAL STAIN
8. WOOD GARAGE DOOR - NATURAL STAIN
9. METAL GUADRAIL - BLACK W / WOOD CAP RAIL
10. DECORATIVE GOOSENECK LIGHT FIXTURE

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Not to Scale

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

13-Plex Rental

Figure 2.0-7f

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Agriculture/Agrihood Uses and Amenities

Figure 2.0-8

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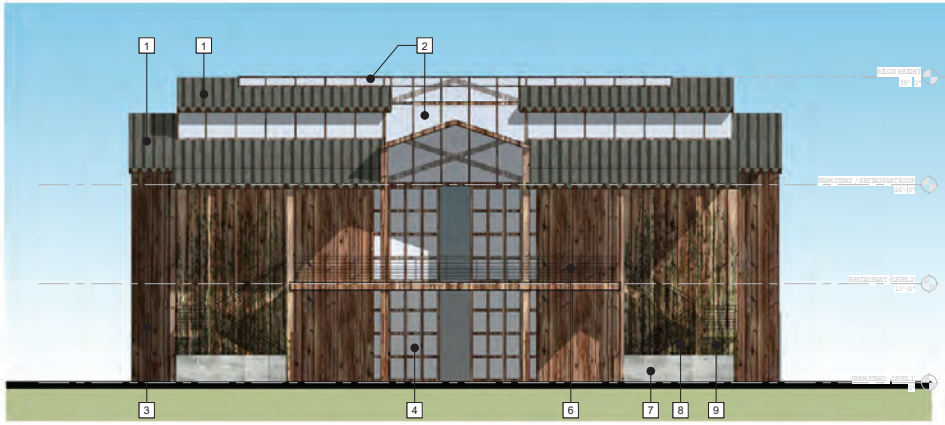
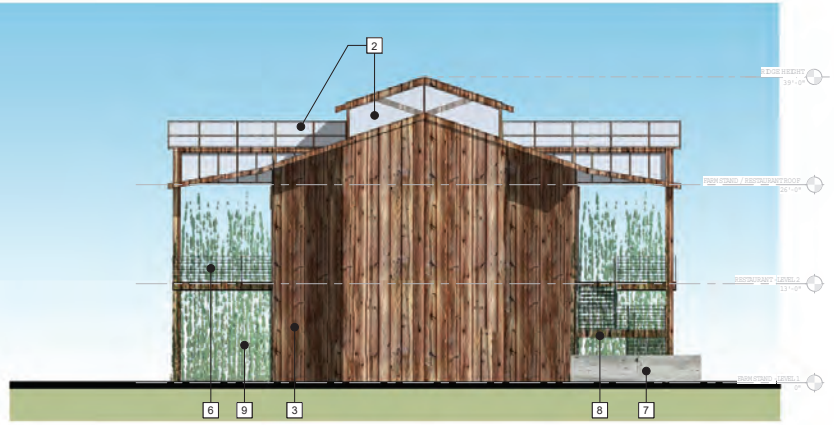


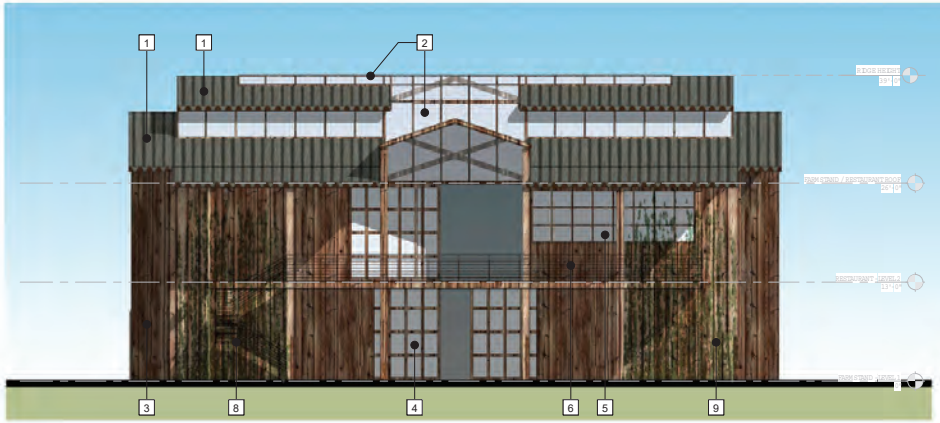
FARM STAND / RESTAURANT - SOUTHEAST ELEV 1

SCALE: 1/8"=1'-0"



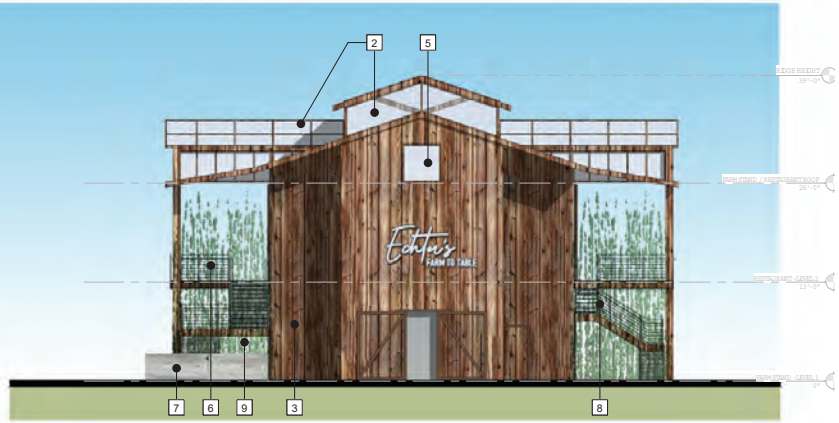
FARM STAND / RESTAURANT - SOUTHWEST ELEV 3

SCALE: 1/8"=1'-0"



FARM STAND / RESTAURANT - NORTHWEST ELEV 2

SCALE: 1/8"=1'-0"



FARM STAND / RESTAURANT - NORTHEAST ELEV 4

SCALE: 1/8"=1'-0"

KEY NOTES

1. CORRUGATED ROOF - SLATE GREY
2. GLASS SKYLIGHT / CLERESTORY - TRANSPARENT GLAZING
3. STAINED WOOD SIDING - DARK BROWN
4. WOOD FRAMED BARN DOORS - DARK BROWN STAIN
5. WOOD FRAMED WINDOWS - DARK BROWN STAIN
6. WOOD GUARDRAIL - DARK BROWN STAIN
7. CONCRETE LOW WALL - LIGHT GREY NATURAL FINISH
8. METAL AND WOOD STAIR - BROWN AND GREY
9. IVY ON LINEAR LATTICE

SEE COLOR AND MATERIALS BOARD FOR ADDL. INFO.

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

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Source: Tecture, 2020

Farmstand and Restaurant Elevation

Figure 2.0-9a

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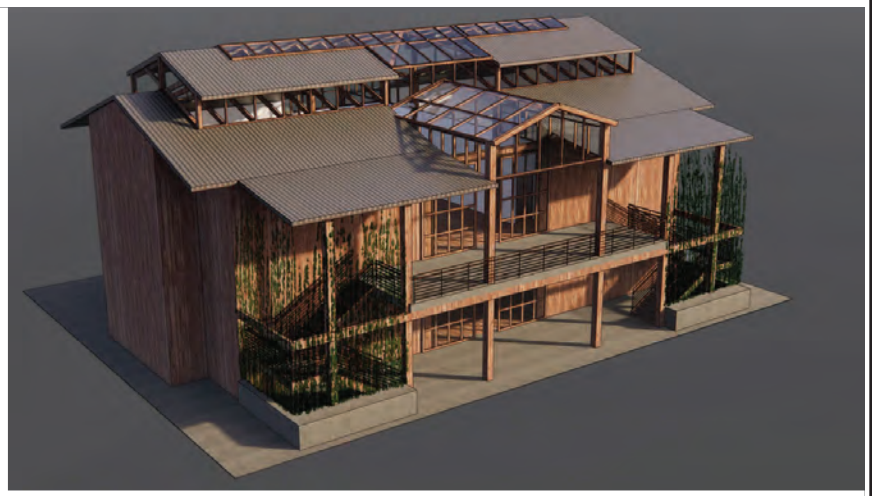

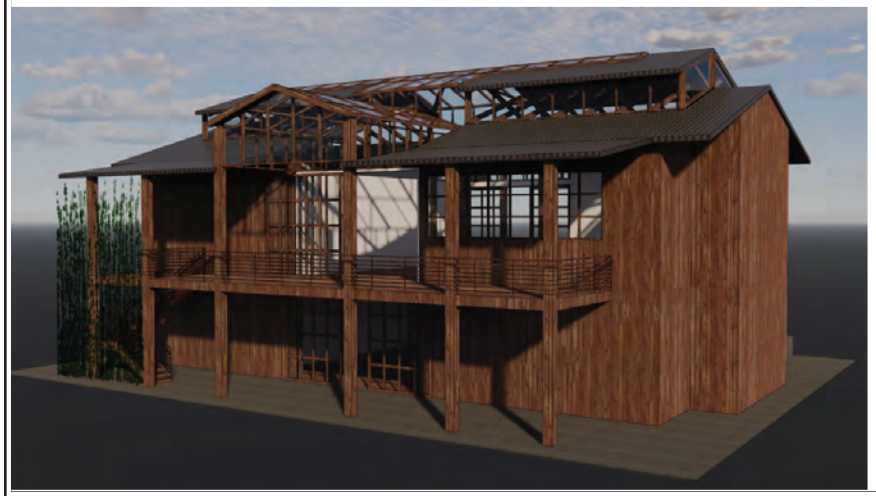

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Farmstand and Restaurant Rendering

Figure 2.0-9b

Michael Baker INTERNATIONAL

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Not to Scale

Source: Tecture, 2020

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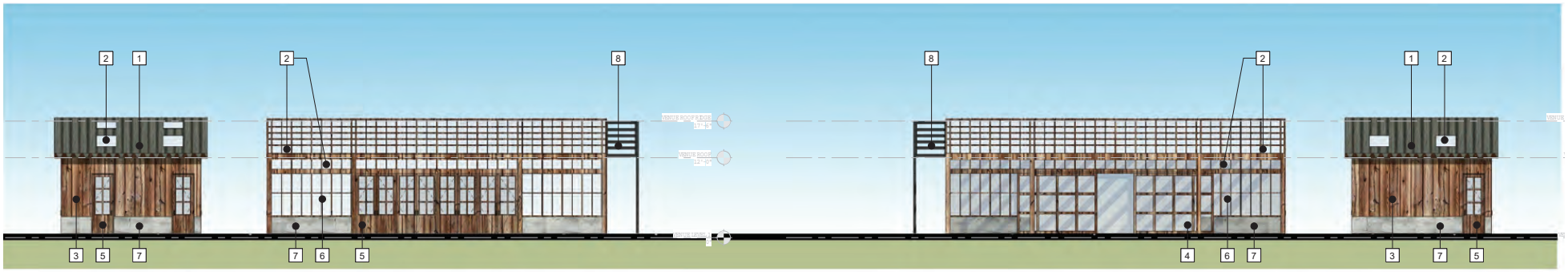
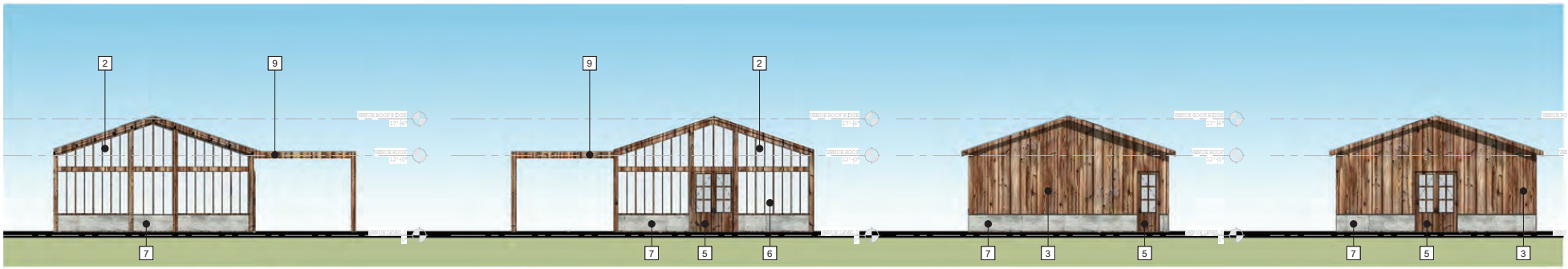


VENUE -SOUTHEAST ELEV 3
SCALE: 1/8"=1'-0"

VENUE -NORTHWEST ELEV 4
SCALE: 1/8"=1'-0"



VENUE -NORTHEAST ELEV 5
SCALE: 1/8"=1'-0"

VENUE -SOUTHWEST ELEV 6
SCALE: 1/8"=1'-0"

SUPPORT BLDG -SOUTHWEST 7
SCALE: 1/8"=1'-0"

SUPPORT BLDG -NORTHEAST 8
SCALE: 1/8"=1'-0"

KEY NOTES

1. CORRUGATED ROOF - SLATE GREY
2. GLASS SKYLIGHT / CLERESTORY - TRANSPARENT GLAZING
3. STAINED WOOD SIDING - DARK BROWN
4. WOOD FRAMED BARN DOORS - DARK BROWN STAIN
5. WOOD FRAMED FRENCH DOORS - DARK BROWN STAIN
6. WOOD FRAMED STOREFRONT - DARK BROWN STAIN
7. CONCRETE LOW WALL - LIGHT GREY NATURAL FINISH
8. METAL FRAMING - BLACK
9. WOOD FRAME TRELLIS - DARK BROWN STAIN
10. IVY ON LINEAR LATTICE

SEE COLOR AND MATERIALS BOARD FOR ADDL. INFO.

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Not to Scale

Source: Tecture, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Community Event Venue Elevation

Figure 2.0-9c

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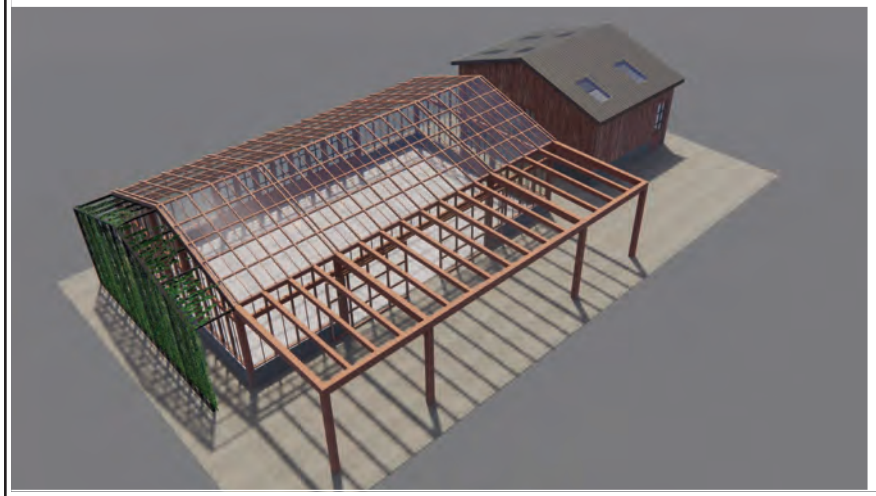

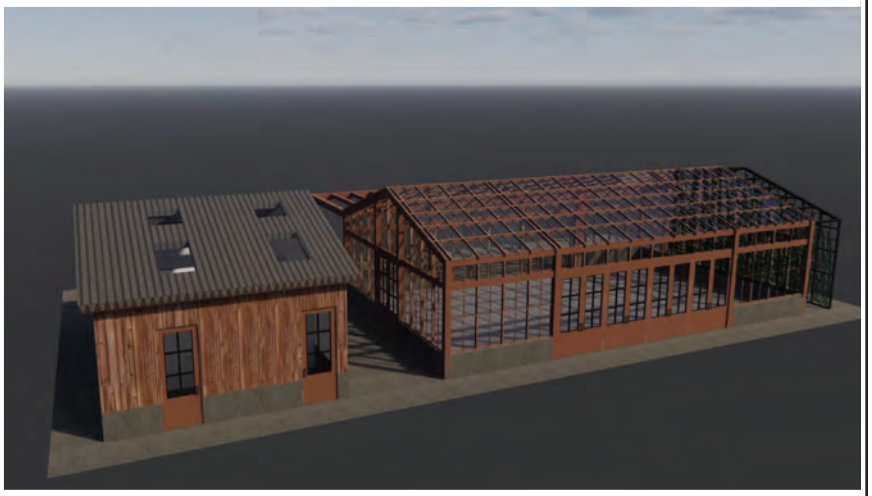

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Community Event Venue Rendering

Figure 2.0-9d

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File: 176761EIRExhibits.indd

Not to Scale

Source: Tecture, 2020

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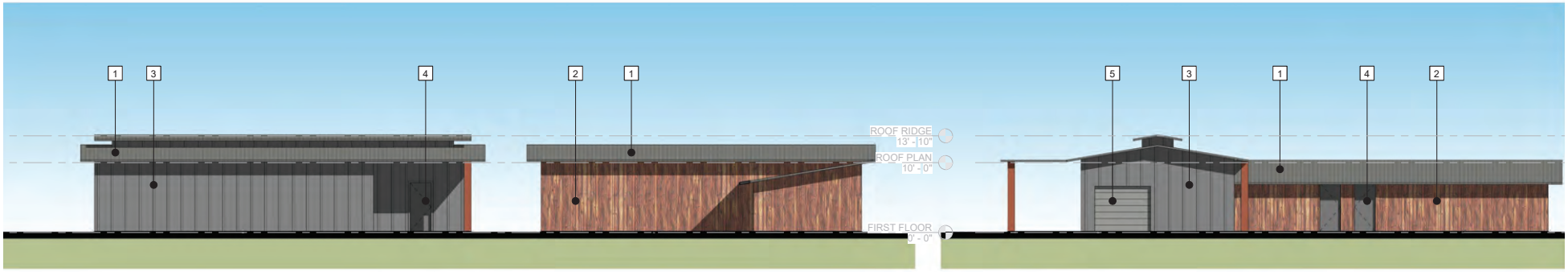
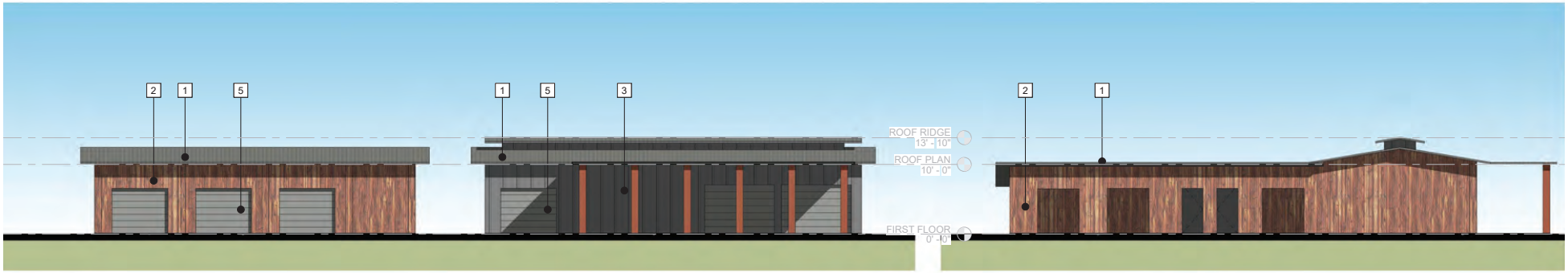


FARM OPERATIONS ELEV A 1

SCALE: 1/8"=1'-0"

FARM OPERATIONS ELEV B 2

SCALE: 1/8"=1'-0"



FARM OPERATIONS ELEV C 3

SCALE: 1/8"=1'-0"

FARM OPERATIONS ELEV D 4

SCALE: 1/8"=1'-0"

KEY NOTES

1. CORRUGATED ROOF - SLATE GREY
2. STAINED WOOD SIDING - DARK BROWN
3. BOARD AND BATTEN SIDING - GREY
4. METAL DOORS - GREY
5. OVERHEAD DOORS - GREY

SEE COLOR AND MATERIALS BOARD FOR ADDL INFO.

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Not to Scale

Source: Tecture, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Farm Operations Building Elevation

Figure 2.0-9e

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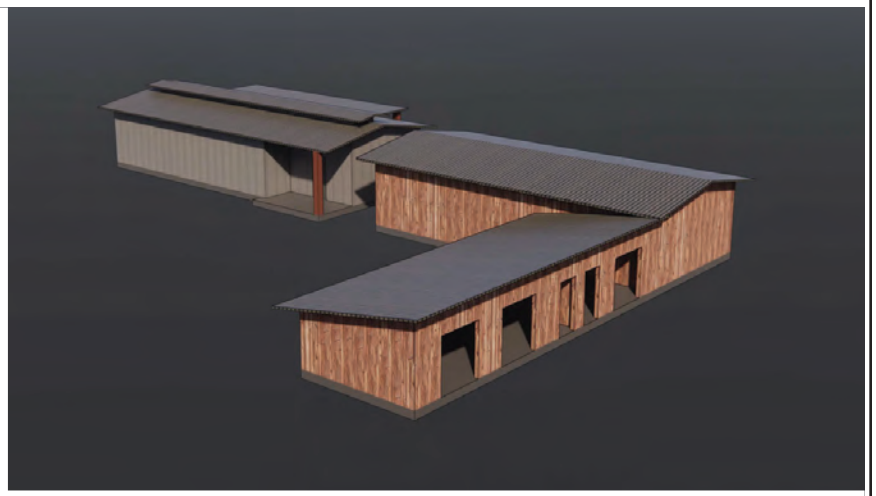

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

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Not to Scale

Source: Tecture, 2020

Farm Operations Building Rendering

Figure 2.0-9f

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KEY NOTES

1. CORRUGATED ROOF - SLATE GREY
2. FIBER CEMENT SIDING - BOARD & BATTEN - WHITE
3. STAINED WOOD SIDING - DARK BROWN
4. ALUMINUM STOREFRONT - BLACK
5. ALUMINUM WINDOW / PATIO DOOR - BLACK
6. WOOD FRAMED STOREFRONT - DARK BROWN STAIN
7. METAL GUADRAIL - BLACK W/ WOOD CAP RAIL
8. METAL AND WOOD STAIR - BROWN AND GREY
9. IVY ON LINEAR LATTICE
10. DECORATIVE GOOSENECK LIGHT FIXTURE
11. GREEN WALL

SEE COLOR AND MATERIALS BOARD FOR ADDL. INFO.

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Source: SteinbergHart, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Recreation Center Elevation

Figure 2.0-10a

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Recreation Center Rendering

Figure 2.0-10b

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Not to Scale

Source: SteinbergHart, 2020

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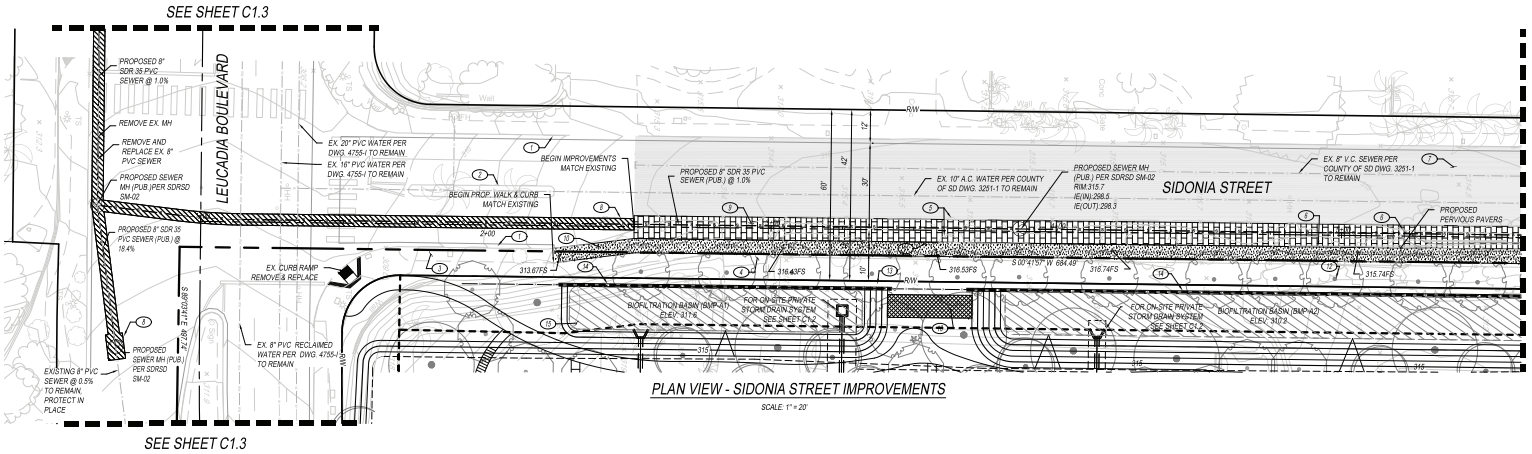
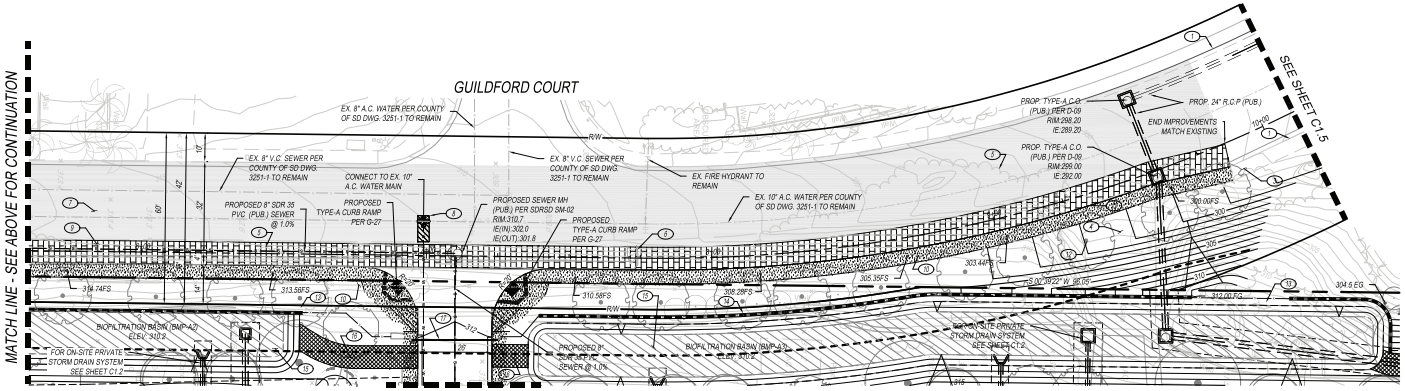
PRELIMINARY IMPROVEMENT PLAN

SIDONIA STREET, ENCINITAS, CA

SHEET C1.4



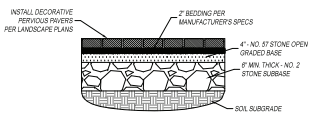


LEGEND

- SUBJECT PROPERTY / SUBDIVISION BOUNDARY
- EXISTING RIGHT-OF-WAY / ADJACENT LOT LINE
- CENTERLINE OF ROAD
- EXISTING EASEMENT
- PROPOSED SETBACKS
- PROPOSED PRIVATE ROAD CENTERLINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED PERVIOUS PAVERS
- PROPOSED ASPHALT GRIND & OVERLAY
- PROPOSED LIMITS OF TRENCHING
- PROPOSED BASIN ACCESS PATH
- PROPOSED 6" PCC CURB
- PROPOSED CONTIGUOUS SIDEWALK
- EXISTING SEWER MAIN (SIZE PER PLAN)
- EXISTING WATER MAIN (SIZE PER PLAN)
- EXISTING STORM DRAIN (SIZE PER PLAN)
- PROPOSED SEWER MAIN (SIZE PER PLAN)
- PROPOSED SEWER MANHOLE
- PROPOSED WATER MAIN (SIZE PER PLAN)
- PROPOSED STORM DRAIN
- PROPOSED STORM DRAIN CLEANOUT
- PROPOSED STREET TREE PER LANSCAPE PLAN

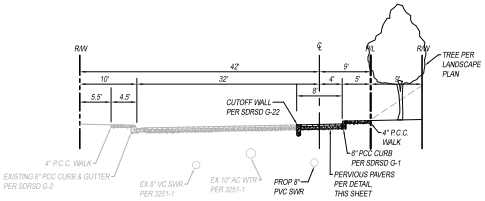
CONSTRUCTION NOTES

1. EXISTING CURB & GUTTER TO REMAIN (TYP)
2. EXISTING MEDIAN TO REMAIN (TYP)
3. EXISTING WALK TO REMAIN (TYP)
4. EXISTING DRIVEWAY TO BE REMOVED
5. EXISTING TREE TO BE REMOVED (TYP)
6. EXISTING BROW DITCH TO BE REMOVED (TYP)
7. PROPOSED AC GRIND & OVERLAY
8. PROPOSED TRENCH LIMITS
9. PROPOSED PERVIOUS PAVERS
10. PROPOSED PCC WALK
11. PROPOSED 6" CURB
12. PROPOSED STREET TREE PER LANDSCAPE PLAN (TYP)
13. PROPOSED FENCE (PVT) PER LANDSCAPE PLAN (TYP)
14. PROPOSED RETAINING WALL (PVT)
15. PROPOSED BMP BASIN (PVT)
16. PROPOSED MAINTENANCE ACCESS PATH
17. PROPOSED FIRE ACCESS GATE AND KNOX BOX (PER LANDSCAPE PLANS)



NOTES
-ALL AGGREGATE MUST BE CLEAN/WASHED AND FREE OF FINES (SAND, SILT, ETC.)
-THE PAVERS SHALL NOT BE SEALED ONCE THE VOID FILLER HAS BEEN ADDED
-EACH COURSE SHALL BE VIBRATORY COMPACTED BEFORE PLACEMENT OF NEXT COURSE
-NO IMPERVIOUS LINER OR FILTER FABRIC TO BE USED
-SPECIAL APPROVAL REQUIRED FOR USE IN HIGHLY EXPANSIVE SOIL - SUBDRAIN MAY BE REQUIRED

PERVIOUS PAVER DETAIL
NOT TO SCALE



SECTION - SIDONIA STREET
NOT TO SCALE

GRAPHIC SCALE: 1" = 20'

PREPARED BY:

PASCO LARET SUITER & ASSOCIATES
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING
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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Off-Site Improvement Plan

Figure 2.0-11

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Source: Schmidt Design Group, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Conceptual Landscape Plan

Figure 2.0-12a

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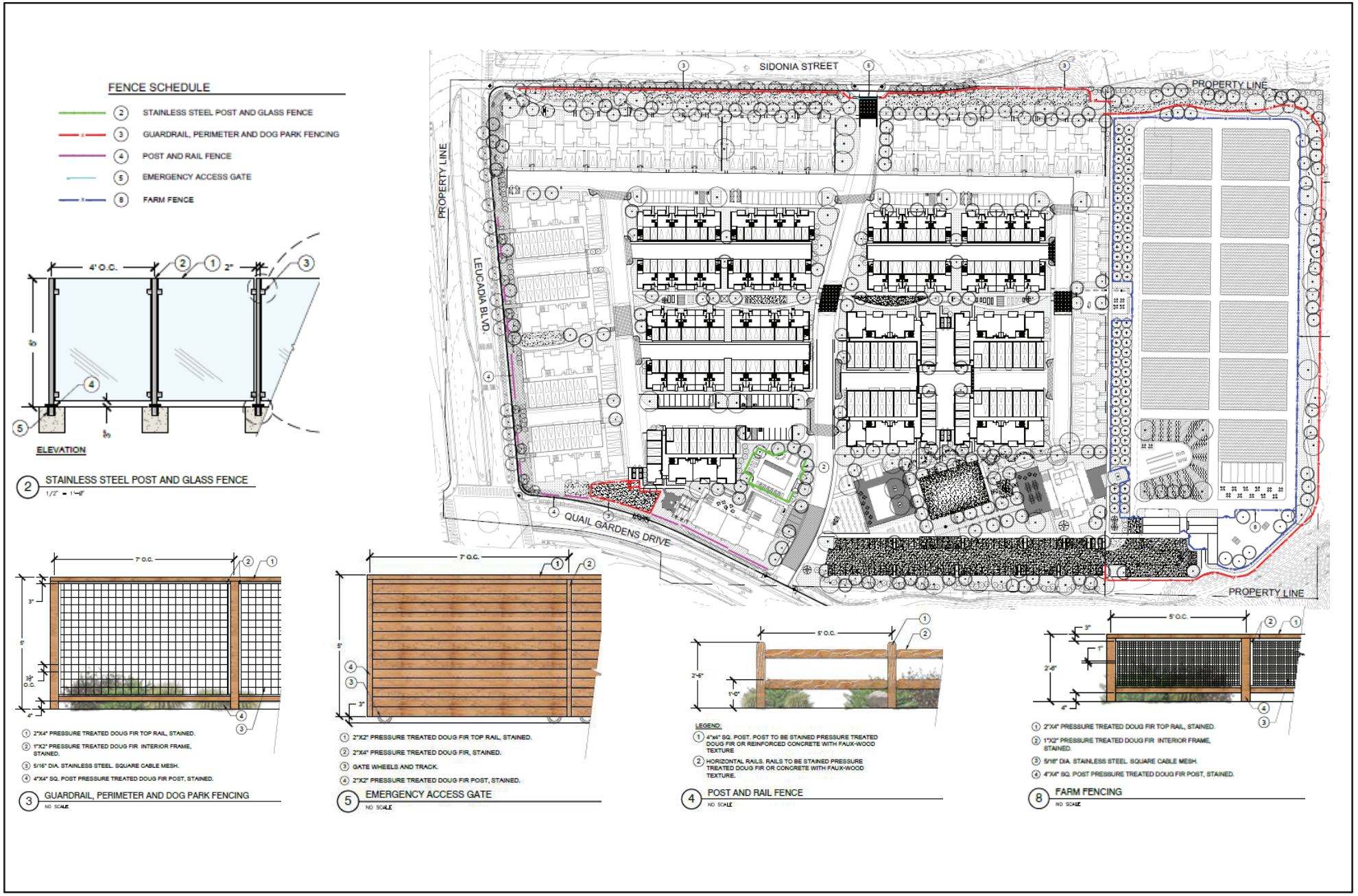

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Source: Schmidt Design Group, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Fence Plan

Figure 2.0-12b

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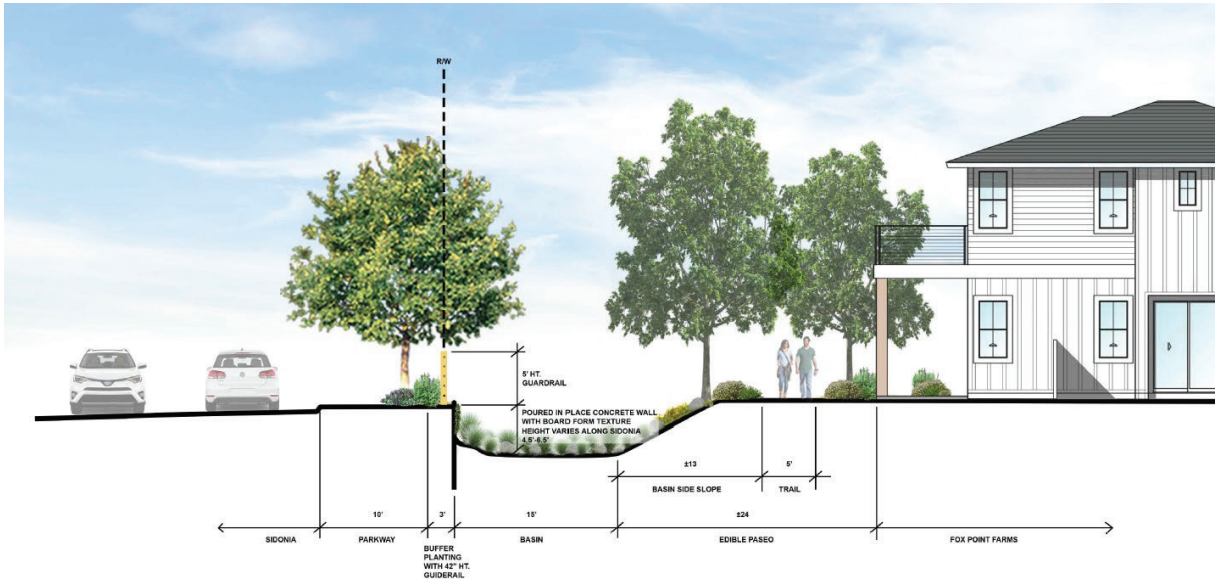

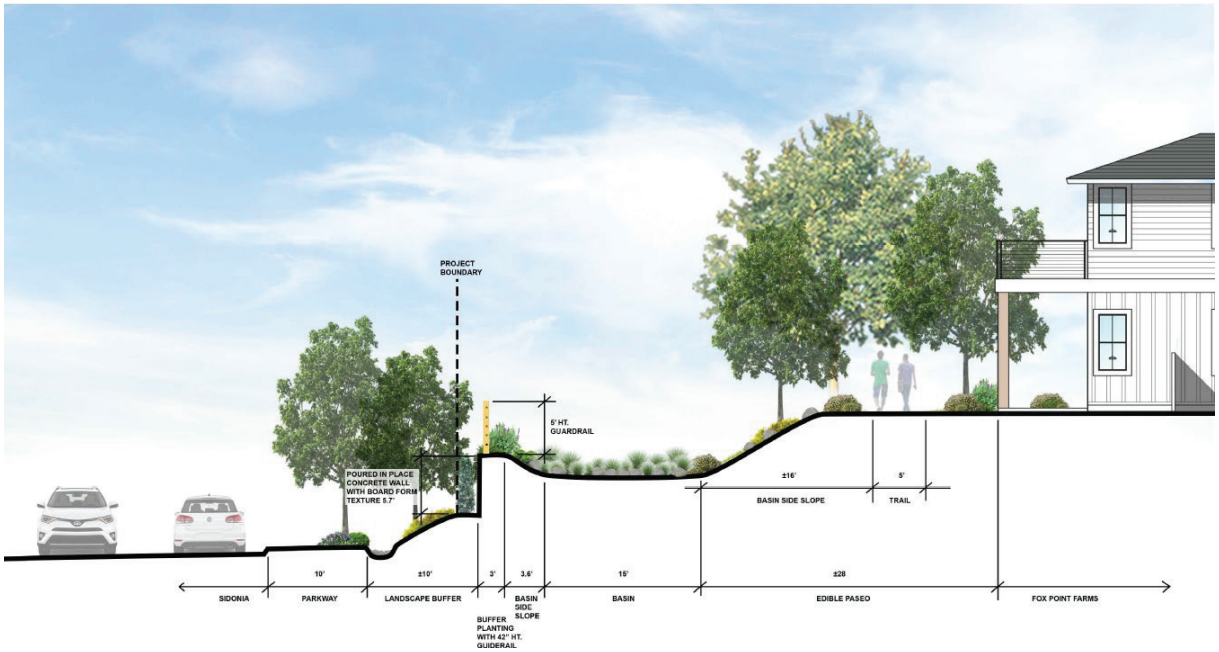

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Source: Schmidt Design Group, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Sidonia Street Interface

Figure 2.0-12c

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LEGEND:

1. TRELLIS AT ENTRY TO PEDESTRIAN PASEO - WOOD TRELLIS WITH STONE COLUMNS AND STAINLESS STEEL VINE CABLES
2. DECORATIVE SCREENING TRELLIS - WOOD TRELLIS WITH STONE COLUMNS AND STAINLESS STEEL VINE CABLES
3. TRELLIS AND ENTRY SIGN - STONE SIGN AND WOOD TRELLIS WITH STAINLESS STEEL VINE CABLES
4. SPLIT RAIL FENCE
5. 3' HT. ACCENT STONE RAISED PLANTERS AT PEDESTRIAN ENTRIES
6. STORM DRAIN LINE BELOW
7. EXISTING ELECTRICAL
8. TRACTOR
9. EXISTING TREE, TYP.
10. PROPOSED TREE, TYP.

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Not to Scale

Source: Schmidt Design Group, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Leucadia Boulevard Interface

Figure 2.0-12d

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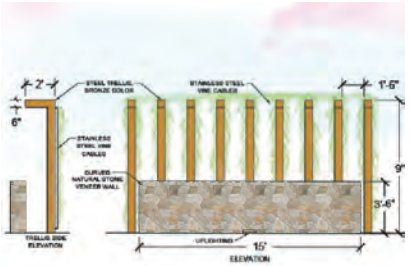
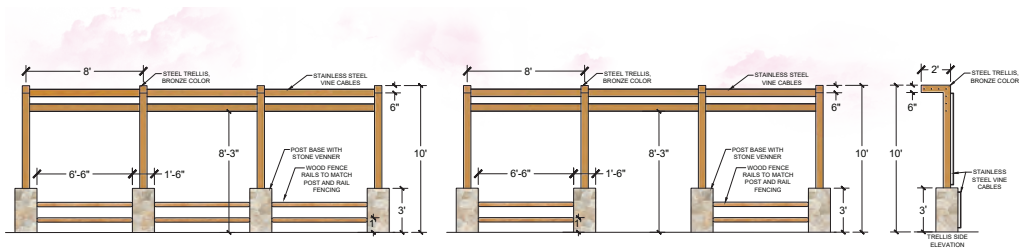
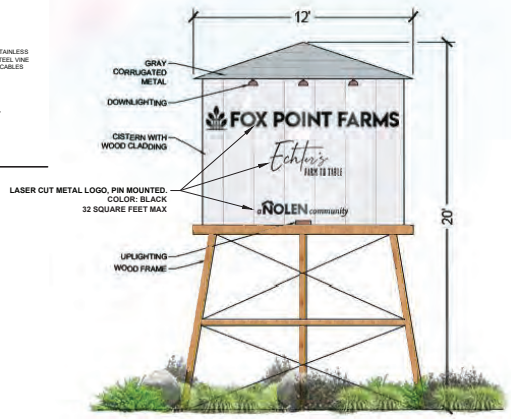


1 CORNER MONUMENT TRELLIS



2 LEUCADIA BLVD. TRELLIS

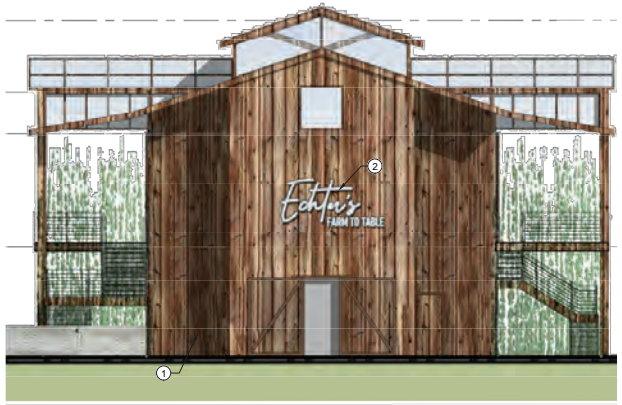


A QUAIL GARDENS DRIVE WATER TOWER SIGN
SCALE: NTS

LEGEND:

1 STAINED WOOD SIDING - DARK BROWN

2 RESTAURANT SIGNAGE ON RESTAURANT BUILDING
PIN MOUNTED LASER CUT STEEL LETTERS
COLOR: SILVER. 78 SF. LARGE LETTER HEIGHT: 5'-6"
SMALL LETTER HEIGHT: 1'-6"



B RESTAURANT BUILDING SIGNAGE

Michael Baker INTERNATIONAL

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Not to Scale

Source: Schmidt Design Group, 2029

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Signage and Monumentation Plan

Figure 2.0-12e

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Source: Dexter Wilson Engineering, Inc., 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Water Service (Proposed)

Figure 2.0-13

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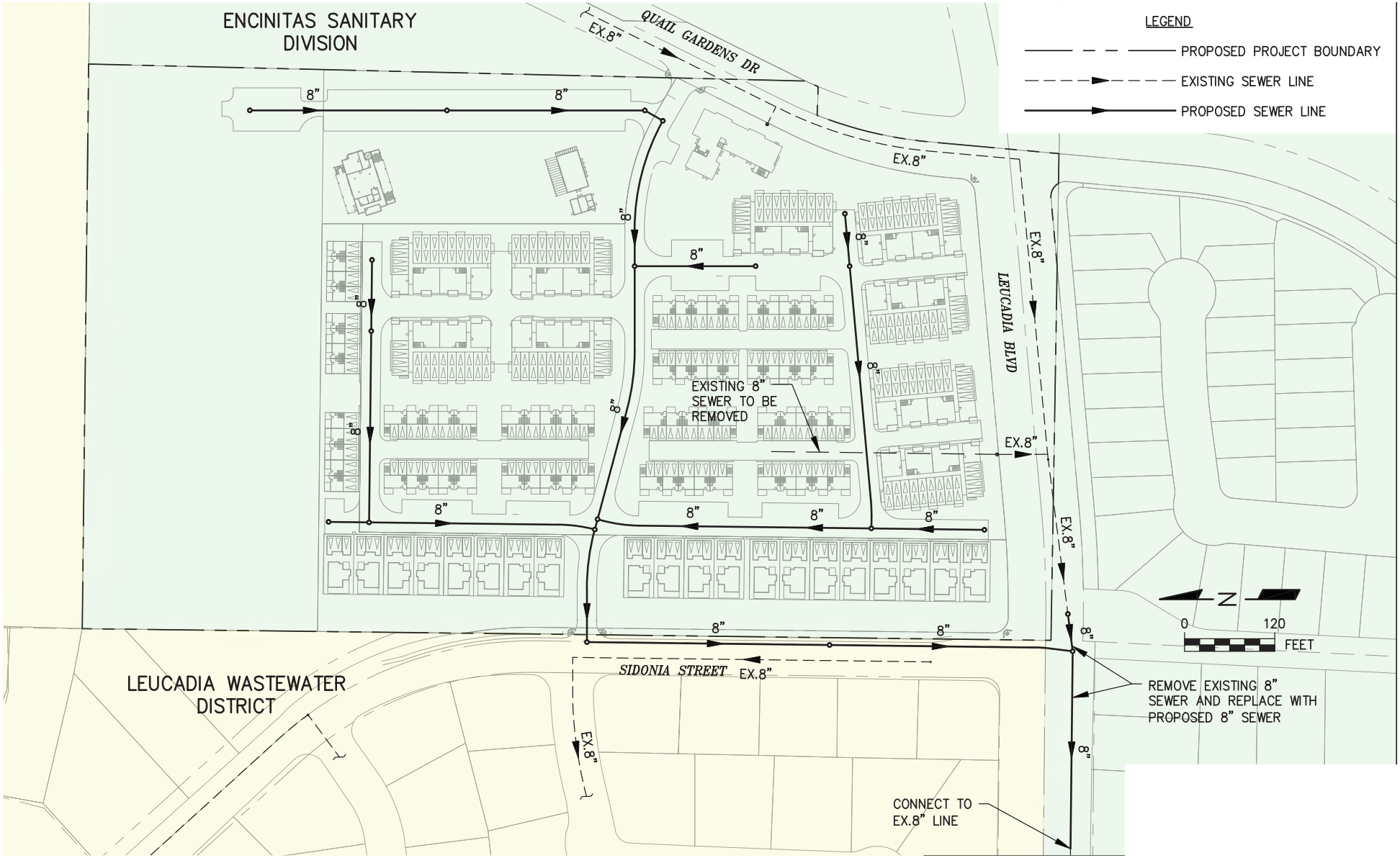

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Source: Dexter Wilson Engineering, Inc., 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Sewer Service (Proposed)

Figure 2.0-14

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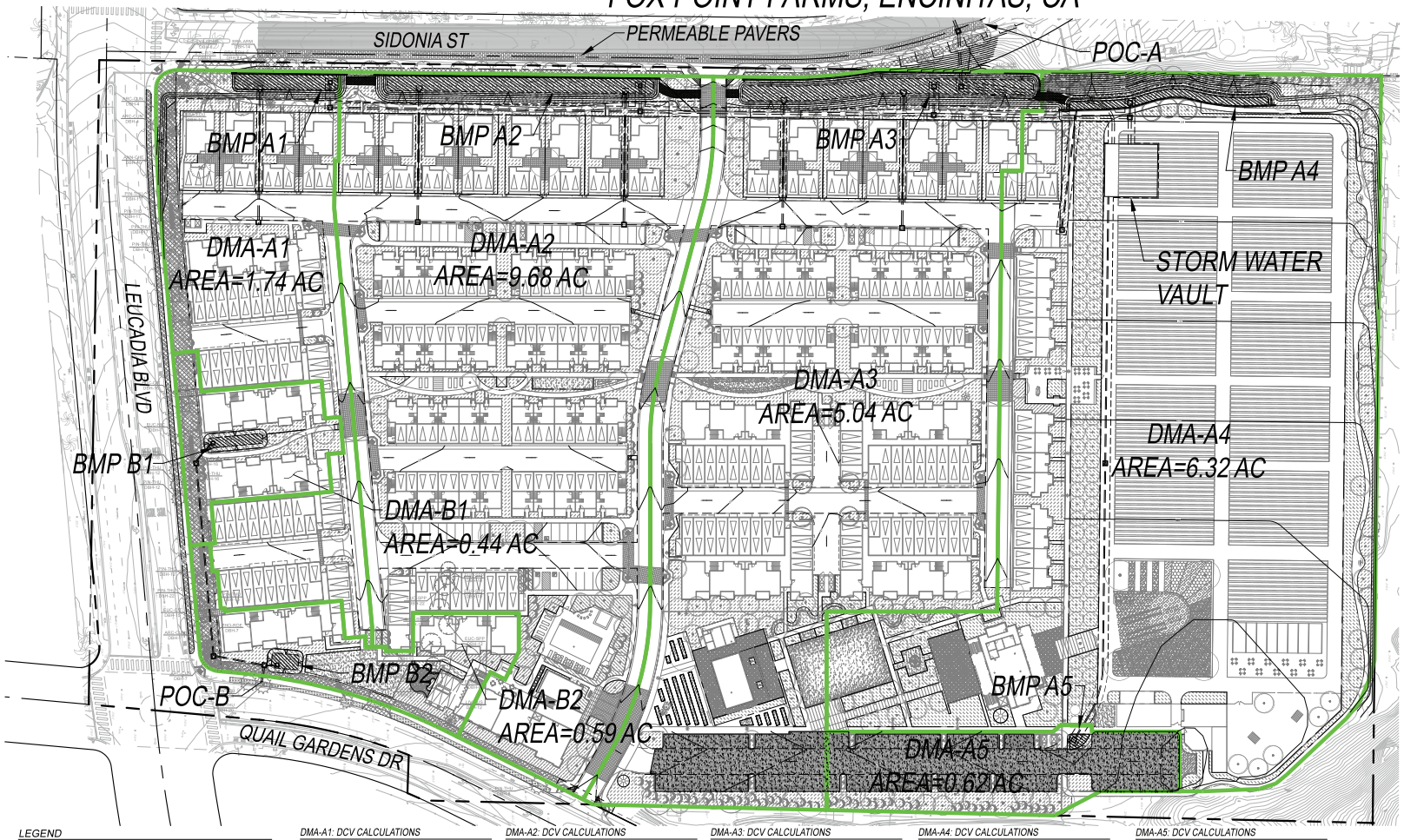
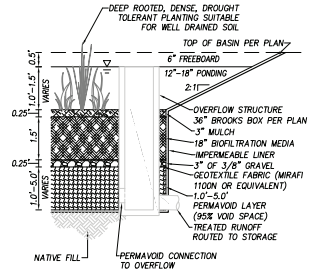
DRAINAGE MANAGEMENT AREA MAP

FOX POINT FARMS, ENCINITAS, CA





TYPICAL BASIN DETAIL

NTS

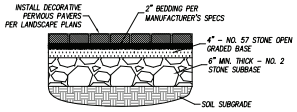
NOTE:

1. BIOFILTRATION "ENGINEERED SOIL" LAYER SHALL BE EVENLY MIXED COMPOSITION OF WASHED SAND, SANDY LOAM TOPSOIL, AND HUMIC COMPOST. THE MIX SHALL CONTAIN 65% SAND, 20% TOPSOIL, AND 15% COMPOST OR HARDWOOD MULCH IN ACCORDANCE WITH COUNTY OF SAN DIEGO LID BIOSWALE MEDIA BI065 CUT SHEET

2. STORAGE LAYER SHALL BE A MINIMUM OF 6" BUT MAY BE DEEPENED TO INCREASE THE INFILTRATION AND STORAGE ABILITY OF THE DETAIL

BMP ID	SURFACE AREA	PONDING DEPTH	STORAGE DEPTH
A1	1,532 SF	18"	60"
A2	4,010 SF	18"	60"
A3	4,388 SF	18"	60"
A4	1,609 SF	18"	60"
A5	221 SF	12"	36"
B1	546 SF	12"	12"
B2	400 SF	12"	36"

BMP BASIN DATA TABLE



NOTES:
–ALL AGGREGATE MUST BE CLEAN/WASHED AND FREE OF FINES (SAND, SILT, ETC.)
–THE PAVERS SHALL NOT BE SEALED ONCE THE VOID FILLER HAS BEEN ADDED
–EACH COURSE SHALL BE VIBRATORY COMPACTED BEFORE PLACEMENT OF NEXT COURSE
–NO IMPERVIOUS LINER OR FILTER FABRIC TO BE USED
–SPECIAL APPROVAL REQUIRED FOR USE IN HIGHLY EXPANSIVE SOIL – SUBDRAIN MAY BE REQUIRED

PERVIOUS PAVER DETAIL

NOT TO SCALE

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- CENTER LINE OF ROAD
- DRAINAGE BOUNDARY
- DG PARKING AREA

DMA-A1: DCV CALCULATIONS

TOTAL BASIN SIZE	=	75,780 SF/1.7 AC
TOTAL DMA SIZE (Cx*Ax)	=	50,002 SF
RUNOFF FACTOR	=	0.66
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	2,375 CU FT

SOIL TYPE INFORMATION

HYDROLOGIC SOIL TYPE: D

COARSE SEDIMENT YIELD

NO CRITICAL COARSE SEDIMENT YIELD AREAS TO BE PROTECTED.

DMA-A2: DCV CALCULATIONS

TOTAL BASIN SIZE	=	202,200 SF/ 4.6 AC
TOTAL DMA SIZE (Cx*Ax)	=	133,452 SF
RUNOFF FACTOR	=	0.66
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	6,339 CU FT

GROUNDWATER INFORMATION

GROUNDWATER WAS ENCOUNTERED AT ELEVATIONS 9 TO 14 FEET BELOW EXISTING GRADE DURING TESTING

DMA-A3: DCV CALCULATIONS

TOTAL BASIN SIZE	=	219,500SF/ 5.0 AC
TOTAL DMA SIZE (Cx*Ax)	=	144,870SF
RUNOFF FACTOR	=	0.66
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	6,881 CU FT

DMA-B1: DCV CALCULATIONS

TOTAL BASIN SIZE	=	19,010 SF/ 0.4 AC
TOTAL DMA SIZE (Cx*Ax)	=	10,285 SF
RUNOFF FACTOR	=	0.54
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	489 CU FT

DMA-A4: DCV CALCULATIONS

TOTAL BASIN SIZE	=	275,310 SF/ 6.3 AC
TOTAL DMA SIZE (Cx*Ax)	=	52,323 SF
RUNOFF FACTOR	=	0.19
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	2,485 CU FT

DMA-B2: DCV CALCULATIONS

TOTAL BASIN SIZE	=	25,810SF/ 0.6 AC
TOTAL DMA SIZE (Cx*Ax)	=	12,069 SF
RUNOFF FACTOR	=	0.47
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	573 CU FT

DMA-A5: DCV CALCULATIONS

TOTAL BASIN SIZE	=	26,990 SF/0.6 AC
TOTAL DMA SIZE (Cx*Ax)	=	6,694 SF
RUNOFF FACTOR	=	0.25
85TH PERCENTILE RAINFALL DEPTH (d)	=	0.57 INCHES
DCV (C*d*A*3,630)	=	317 CU FT

REGISTERED PROFESSIONAL ENGINEER TYLER G LARSON No. 80356 Exp. 12/31/20 CIVIL STATE OF CALIFORNIA

0 50' 100' 150'

SCALE: 1"=50'

MAY 2020

PREPARED BY:

PASCO LARET SUITER & ASSOCIATES

CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING

535 North Highway 101, Ste A, Solana Beach, CA 92075

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Michael Baker INTERNATIONAL

File: 176761EIRExhibits.indd

Source: Pasco Laret Suiter, 2020

Water Quality Treatment (Proposed)

Figure 2.0-15

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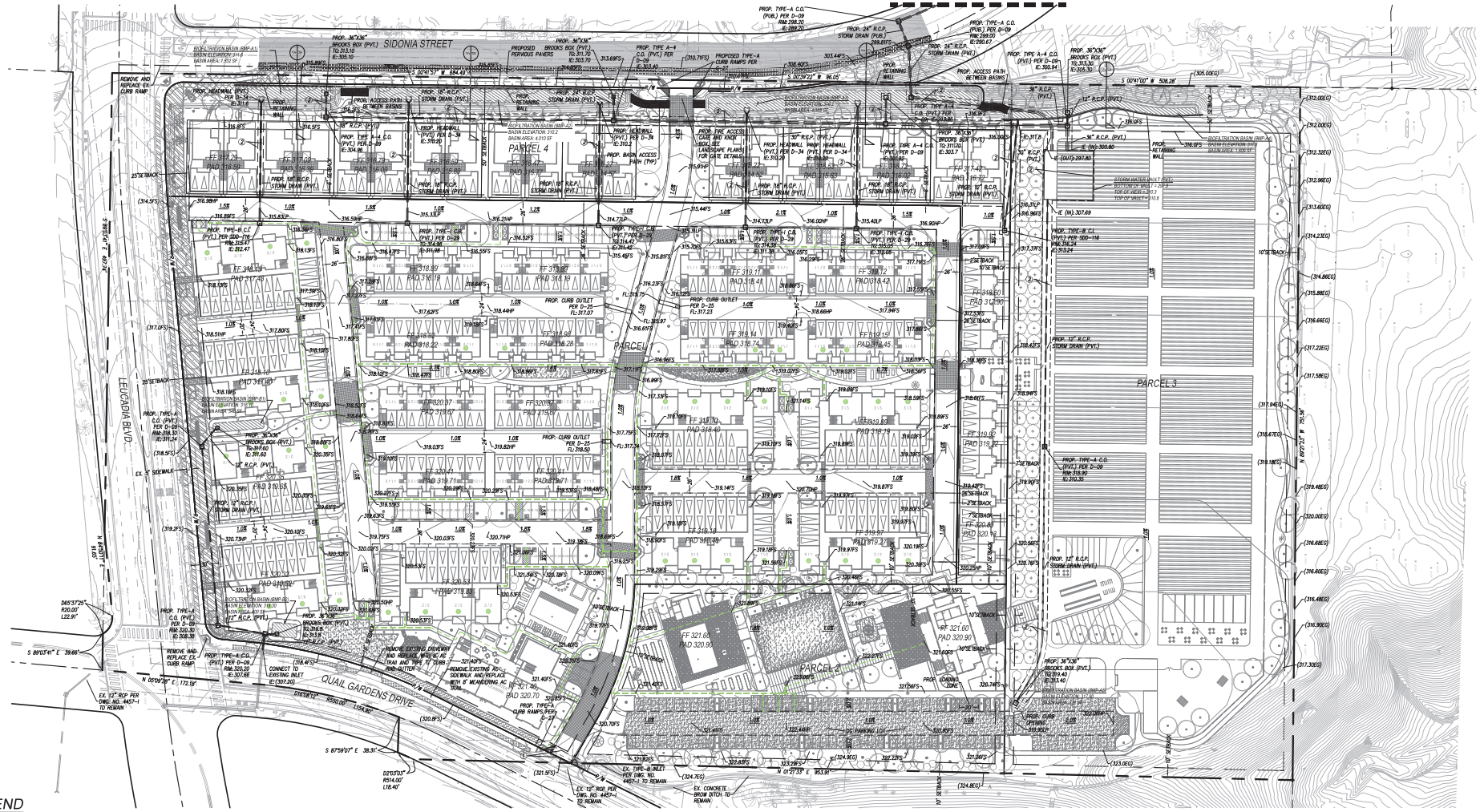
PRELIMINARY GRADING PLAN

FOX POINT FARMS, ENCINITAS, CA



LEGEND

- SUBDIVISION BOUNDARY
- RIGHT-OF-WAY
- PROPOSED 1" DOMESTIC WATER SERVICE PER WS-09
- PROPOSED FIRE SERVICE
- PROPOSED 4" SEWER LATERAL PER SS-01
- PROPOSED 8" SEWER PVC MAIN
- PROPOSED 8" PVC WATER MAIN
- PROPOSED 24"X42" JOINT TRENCH
- PROPOSED ADAPTABLE UNIT
- PROPOSED ADA PATH OF TRAVEL
- SIGHT DISTANCE TRIANGLES
- PROPOSED MANHOLE PER SM-02
- PROPOSED RETAINING WALL
- PROPOSED FIRE HYDRANT PER WF-01
- PROPOSED PVC STORM DRAIN (SIZE PER PLAN)
- PROPOSED DRAINAGE STRUCTURE (SIZE PER PLAN)
- PROPOSED HEADWALL PER D-34
- PROPOSED CURB OUTLET PER D-25
- PROPOSED BIOFILTRATION BASIN
- PROPOSED BASIN ACCESS PATH
- PROPOSED DG PARKING LOT
- PROPOSED PERVIOUS PAVERS
- PROPOSED LIMITS OF AC OVERLAY
- PROPOSED LIMITS OF TRENCHING
- PROPOSED RIPRAP PER D-40
- PROPOSED CURB RAMP PER G-27
- EXISTING CONTOUR
- EXISTING WATER MAIN PER PLAN
- EXISTING SEWER MAIN PER PLAN
- EXISTING STORM DRAIN PER PLAN
- EXISTING RECLAIMED WATER MAIN PER PLAN

PRELIMINARY GRADING PLAN

SCALE: 1"=50'

0 50' 100' 150'

SCALE: 1"=50'

GENERAL NOTES

1. PUBLIC IMPROVEMENTS DAMAGED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED TO THE SATISFACTION OF THE CITY INSPECTOR.
2. EXISTING SURVEY MONUMENTS SHALL BE PROTECTED IN PLACE. ANY MONUMENT THAT IS DISTURBED OR DESTROYED SHALL BE REPLACED BY A LICENSED LAND SURVEYOR WHO SHALL FILE A CORNER RECORD OR RECORD OF SURVEY WITH THE COUNTY.
3. ALL EXISTING ONSITE STRUCTURES TO BE DEMOLISHED.
4. REFER TO LANDSCAPE PLAN FOR ONSITE TREES TO BE REMOVED. ADDITIONALLY, ANY LANDSCAPE WORK WITHIN THE RIGHT-OF-WAY SHALL BE MONITORED BY THE PARKS AND RECREATION DEPARTMENT.

ABBREVIATIONS

FF = FINISH FLOOR
FG = FINISH GRADE
FS = FINISH SURFACE
TC = TOP OF CURB
FL = FLOW LINE
TG = TOP OF GRATE
IE = INVERT ELEVATION
TW = TOP OF WALL
BW = BOTTOM OF WALL
HP = HIGH POINT
LP = LOW POINT

EASEMENT NOTES

1. PROPOSED PEDESTRIAN ACCESS EASEMENT TO THE CITY OF ENCINITAS
2. PROPOSED PRIVATE DRAINAGE EASEMENT

PREPARED BY:

PASCO LARET SUITER & ASSOCIATES
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING
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Michael Baker INTERNATIONAL

File: 176761EIRExhibits.indd

Source: Pasco Laret Suiter, 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Preliminary Grading Plan

Figure 2.0-16

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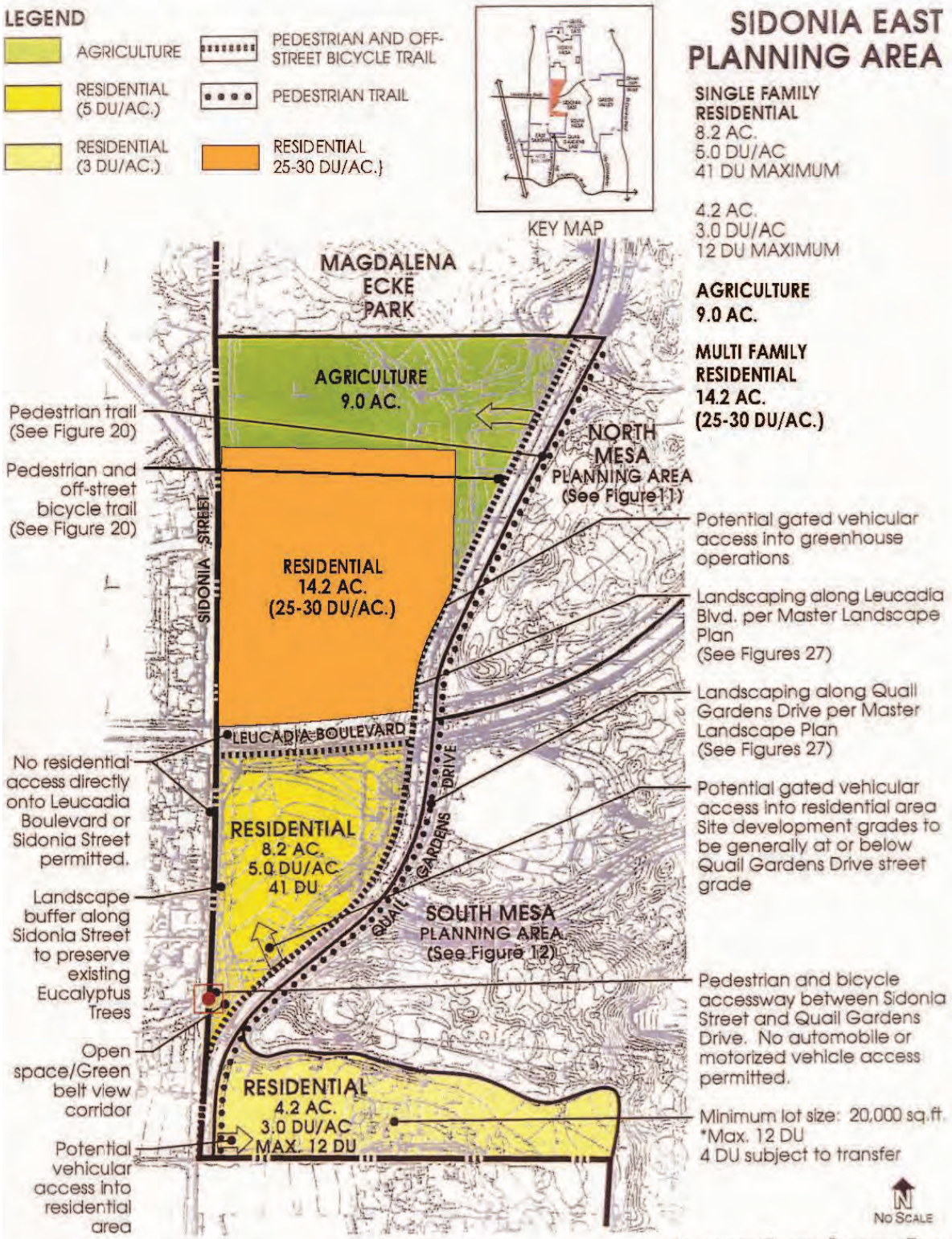

FOX POINT FARMS

ENVIRONMENTAL IMPACT REPORT

Michael Baker INTERNATIONAL

Not to Scale

File: 176761EIRExhibits.indd

Source: City of Encinitas, 2020

Encinitas Ranch Specific Plan

Figure 2.0-17

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

SECTION CONTENT AND DEFINITION OF TERMS

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

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

The following environmental issue areas are addressed in Section 4.0, Effects Not Found to Be Significant:

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

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

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

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

IMPACT ANALYSIS

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

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

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

MITIGATION MEASURES

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

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

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

CUMULATIVE IMPACT EVALUATION

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

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

Cumulative Impact Methodology

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

- **List Approach** – Entails listing past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside of the control of the agency; or

- **Projection Approach** – Uses a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

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

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

Table 3.0-1: Cumulative Projects

Map No.	Project Number	Project Name	Location	Description
1	16-165	Sanderling Waldorf School	749 Mays Hollow Lane	Pre-K/K-8 private school
2	15-235	O'Brien/Mobile Station Car Wash	310 Encinitas Boulevard	Automated car wash facility
3	16-211	Requeza Residential Subdivision	710 Requeza	13 single-family units
4	15-064	Colrich Subdivision	712 Clark Avenue	13 single-family units
5	12-188	TPM Case 12-188	604 Camino De Orchidia	4 single-family units
6	16-282	Alcove Residential Subdivision	762/782 Leucadia Boulevard	13 single-family units
7	17-080	Ocean Bluff Development	Encinitas Boulevard, south of Delphinium	69 assisted beds/ 144 living units

Table 3.0-1, continued

Map No.	Project Number	Project Name	Location	Description
8	89-014	Encinitas Beach Resort Hotel	La Costa Avenue at Highway 101	130 hotel rooms and restaurant
9	17-205	Surfer's Point Hotel	La Costa Avenue at Highway 101	25 timeshare units
10	2750-2018	La Costa Hotel	516 La Costa Avenue	17-room hotel/restaurant
2019 HEU Projects (Applications Currently on File)				
11	3427-2019	Encinitas Blvd. Apartments	2220, 2230, and 2228 Encinitas Boulevard	283 dwelling units
12	3629-2020	Sunshine Gardens Apartments	630 Encinitas Boulevard	140 dwelling units

Source: City of Encinitas March 2020; City of Encinitas 2019 City of Encinitas Housing Element Update; Vehicle Operations and Queuing Analysis (Appendix O-2).

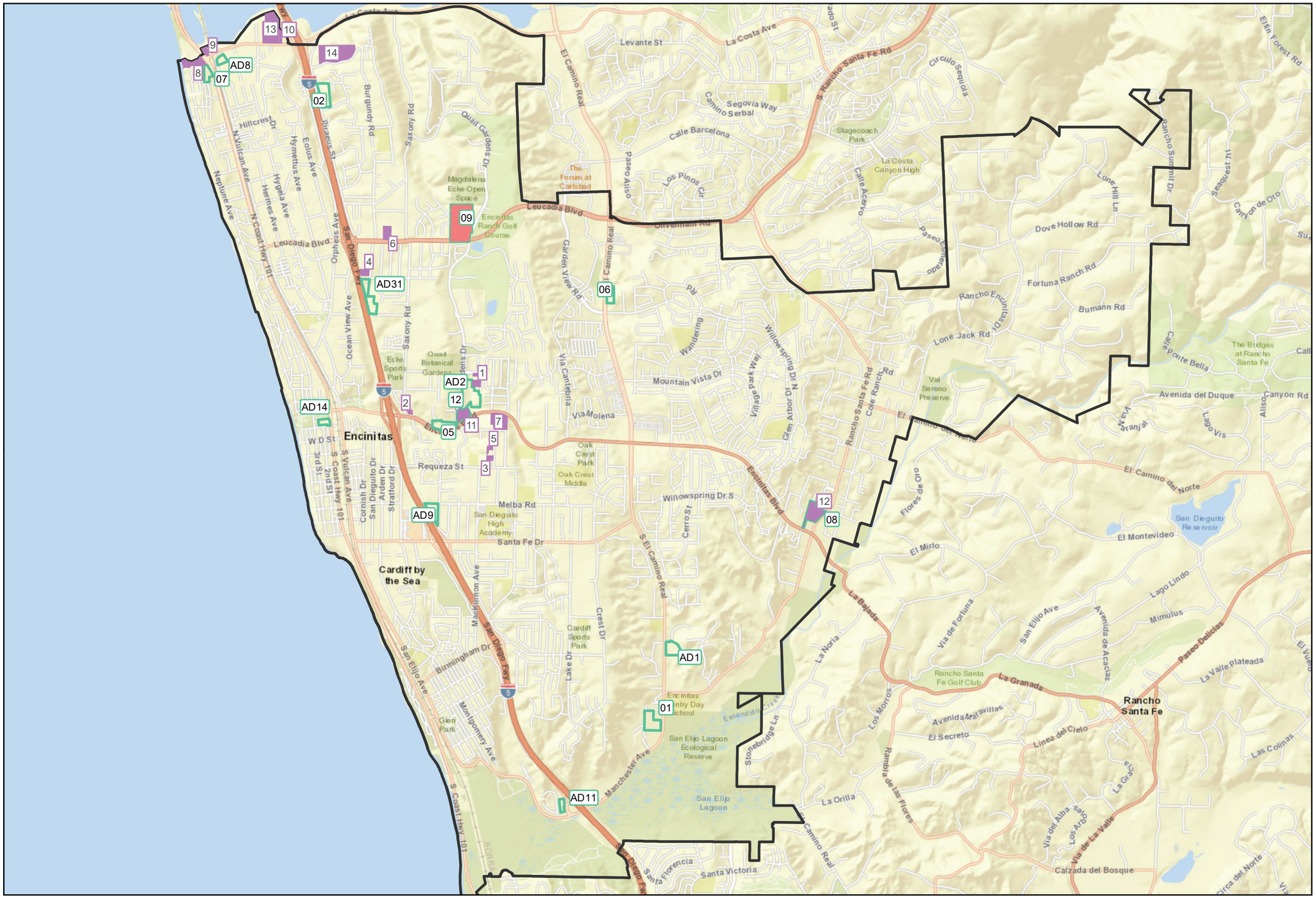
As noted above, probable future projects include those for which an application is on file and in process at the time of issuance of the Notice of Preparation. Following the City's approval of the 2019 Housing Element Update, including the Local Coastal Program Amendment and certification from the California Department of Housing and Community Development, several Housing Element sites are currently in process and have either filed or are in the process of filing an application. For the 15 sites included in the 2019 HEU, three had filed an application prior to issuance of the NOP for the project(March 27, 2020). These include the proposed project, the Encinitas Boulevard Apartments project, and the Sunshine Gardens Apartments project. Two other HEU sites, Fenway North Highway 101 and Quail Meadows Apartments, were submitted to the City after the issuance of the project's NOP. Although CEQA does not require updating this project list after release of the NOP, the City has made a good faith effort to update cumulative project data subsequent to the NOP and prior to release of the Draft EIR for public review.

While they had not done so at the time the NOP was filed for the proposed project, it is reasonably foreseeable the remaining 12 HEU sites will also file an application; therefore, to be conservative, all of the 2019 Housing Element Update sites have been included in the cumulative impact analysis to the extent that they may contribute to certain issue-specific cumulative effects (i.e., public services such as school services; recreation; sewer capacity; transportation, etc.). Thus, the cumulative analysis in this EIR is based on a "worst-case" assumption that the HEU sites all develop. The HEU sites (including the proposed project and the two listed in Table 3.0-1) are identified in Table 3.0-2, Housing Element Update Sites, and are shown with the estimated potential number of dwelling units that may be allowed with application of the Density Bonus allowance.

Table 3.0-2: Housing Element Update Sites

Map No.	Project Name	Location	Allocated DUs in HEU[1]
1	Greek Church Parcel	3459 Manchester Avenue	50
2	Cannon Property	Piraeus Street	173
5	Encinitas Boulevard & Quail Garden Sites	696 & 550 Encinitas Blvd, Quail Gardens Drive	119
6	Armstrong Parcels	N. El Camino Real	55
7	Fenway North Highway 101	1950 Highway 101	84[1]
8	Rancho Santa Fe (Gaffey/Goodsen) Project	2220, 2230, and 2228 Encinitas Boulevard	283[1]
9	**Echter Property (Proposed Project)**	**1150 Quail Gardens Drive**	**250**
12	Sunshine Gardens	630 Encinitas Boulevard	140[1]
AD1	Sage Canyon	Sage Canyon Drive	60
AD2	Quail Meadows Apartments	Mays Hollow Ln, 225 Quail Gardens Drive	485[1]
AD8	Vulcan & La Costa	1967 N Vulcan Avenue	50
AD9	Sea Coast Church	1050 Regal Road	35
A11	Manchester Avenue West Sites	2951 Manchester Avenue	41
AD14	Harrison Sites	364 and 371 2nd Street	21
AD31	Meyer Proposal	662, 672, and 682 Clark Avenue; 556 Union Street	163
		Total	**2,009**

Notes:
[1] Denotes the number of DUs proposed with the application as currently being processed through the City.
Source: City of Encinitas Housing Element Update; Table C-2: Net Acreage and Unit Yield Per Site; Correspondence with City of Encinitas, Planning Division, July 10, 2020.



Legend

- Project Site (Echter Property)
- Cumulative Projects
- Housing Element Update Sites
- City of Encinitas Boundary

Cumulative Projects	
ID	Project Name
1	Sanderling Waldorf School
2	O'Brien/Mobile Station Car Wash
3	Requeza Residential Subdivision
4	Colrich Subdivision
5	TPM Case 12-188
6	TM #16-282
7	Ocean View Development
8	Encinitas Beach Resort
9	Surfer's Point Hotel
10	516 La Costa Development
11	Sunshine Gardens
12	Rancho Santa Fe (Gaffney/Goodsen)
13	Weston Residential Subdivision
14	Skyloft Residential Subdivision

Housing Element Update Sites	
ID	Site Name
01	Greek Church Parcel
02	Cannon Property (Piraeus)
05	Encinitas Blvd & Quail Gardens Sites
06	Armstrong Parcels
07	Fenway North Highway 101
08	Rancho Sante Fe Parcels (Gaffney/Goodsen)
09	Echter Property (Project Site)
12	Sunshine Gardens Parcels
AD1	Sage Canyon
AD2	Quail Meadows Apartments
AD8	Vulcan & La Costa
AD9	Seacoast Church
AD11	Manchester Avenue West Sites
AD14	Harrison Sites
AD31	Meyer Proposal

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0 0.5 1 Miles

Source: City of Encinitas Housing Element, 2019; SanGIS, 2019; ESRI, 2020

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ENVIRONMENTAL IMPACT REPORT

Cumulative Projects Map

Figure 3.0-1

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This section discusses the proposed project relative to potential effects on designated scenic resources or vistas, conflicts with applicable zoning and other regulations governing scenic quality, and adverse lighting and glare effects. The analysis in this section is largely based on viewshed characteristics, site topography, available public views in the project vicinity, and photo simulations based on building plans, as well as the *Conceptual Lighting Plan* prepared by Visual Concepts Lighting, Inc. (2020; Appendix B). Guidelines and policies that pertain to aesthetic resources are identified in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2023 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

Project Setting

The project site is located at the northwest corner of the Leucadia Boulevard/Quail Gardens Drive intersection in the Leucadia community of Encinitas, in central coastal San Diego County. The Encinitas Ranch Golf Course is located to the east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development lies west of the project site. The Magdalena Ecke Open Space Preserve borders the site along the entire northern property boundary.

One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be removed with project implementation. The remainder of the project site is occupied by private commercial greenhouse buildings, which are also proposed to be removed with project implementation. Refer to Section 3.4, Cultural Resources, and Section 3.7, Hazards and Hazardous Materials, for additional information on the existing on-site residence and private commercial greenhouse buildings. The existing greenhouses currently cover approximately 80% of the site, and structures vary in height from 18 feet to 30 feet.

Project Viewshed

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

site, the frequency and length of views, the personal perception of the viewer, and physical and/or atmospheric conditions at the time viewing occurs.

Viewer Response

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

Viewer Sensitivity

Viewer sensitivity to a change in the visual environment can be influenced by a number of factors, including the awareness of the viewer, personal interest in a particular visual resource, and/or viewer activity during the time that views of a resource occur (i.e., vehicle driver versus passenger, active versus passive viewing). In addition, a community's goals or values can influence viewer sensitivity to a particular site, land area, or viewshed. Viewer sensitivity may vary between those people with a vested interest in a community (e.g., residents) versus those traveling through an area with little or no knowledge of the community or the existing visual landscape. Based on these conditions, viewer sensitivity can be assigned a value of low, moderate, or high.

Viewer Groups

Viewer groups would mainly consist of individuals traveling in proximity to the project site, generally along Leucadia Boulevard, Quail Gardens Drive, and Sidonia Street. Viewer groups are anticipated to consist of local residents and/or visitors traveling through the area viewing the subject site from surrounding public roads. Roadway users are primarily drivers and passengers in cars, trucks, and on motorcycles, as well as bicyclists.

Viewer Exposure

Views of the site from vehicles (or other modes of transportation) traveling along area roadways would vary due to distance. Views would generally be restricted by existing development, intervening vegetation, area topography, and the length of time the site is actually visible from a particular location along an area roadway. In determining the exposure of each viewer group, several factors are considered, including the number of viewers experiencing visual changes, duration of views, anticipated speed at which viewers would be traveling, and the relation of the

viewer to the project site. Table 3.1-1 summarizes the anticipated viewer groups and the potential viewing experience of each.

Table 3.1-1 Viewer Groups and Anticipated Exposure

Anticipated Viewer Group	Number of Viewers	Distance to the Project	Anticipated Views	Quality of Existing View	Viewer Sensitivity	Duration of Viewer Exposure
Leucadia Boulevard (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Project site is visible (approximately 650 feet of frontage)	Low - Moderate	Low - Moderate	Varies; estimated 10–15 seconds depending on travel speed (posted speed limit is 40 mph)
Sidonia Street (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Project site is visible (approximately 700 feet of frontage)	Low - Moderate	Low - Moderate	Varies; estimated 10–15 seconds depending on travel speed (posted speed limit is 25 mph)
Quail Gardens Drive (vehicles, bicyclists, pedestrians)	Varies	Adjacent to project site	Project site is visible (approximately 420 feet of frontage)	Low - Moderate	Low - Moderate	Varies; estimated 5–10 seconds depending on travel speed (posted speed limit is 35 mph)
Residences in Surrounding Area (Private Views)	Varies; not public views	Varies	Project site is visible	Low - Moderate	Moderate	Varies; average of 10 hours per day

Principal Viewpoints Considered (Key Views)

The project site would be intermittently visible from a number of public viewpoints in proximity to the project site. In the viewshed, varied views of the project site would largely occur from vehicles (or other modes of transit, such as bicycles) as they travel along Leucadia Boulevard, Quail Gardens Drive, and Sidonia Street. Due to intervening topography and landscaping, views are obstructed and the project site is not visible from other public roads including Saxony Road and Quail Hollow Drive.

Intermittent views of the site occur from viewers from surrounding properties (e.g., residential properties, Encinitas Ranch Golf Course, and Magdalena Ecke Open Space Preserve and Indian Head Canyon trails). Figure 3.1-1, Key View Location Map, depicts the key public views from which it is anticipated that the proposed improvements would have the highest degree of visibility.

- **Key View 1:** Exterior view from the corner of Leucadia Boulevard and Sidonia Street looking northeast.
- **Key View 2:** Exterior view from the project's entrance on Quail Gardens Drive looking west/northwest.

REGULATORY FRAMEWORK

Federal

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

State

Caltrans Scenic Highway Program

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

The North Coast Highway 101 corridor, approximately 1.3 mile to the west of the site, is not a designated State Scenic Highway. However, the entire 935-mile route of Highway 101, which is part of an international highway extending from Mexico to Canada, was designated as a State Historic Highway in 1998.

California Coastal Act

The California Coastal Act protects coastal resources, assists local governments in implementing coastal planning and regulatory powers, and controls construction along the state's 1,100 miles of shoreline through the issuance of Coastal Development Permits (CDPs). Under the act, local governments are encouraged to adopt Local Coastal Programs (LCP) within their jurisdictions. The LCP consists of a Land Use Plan (LUP) with goals and regulatory policies as well as a set of implementing ordinances. Even if a local government has an approved LCP, the California Coastal Commission (CCC) occasionally retains jurisdiction over some lands and continues to issue permits in those "retained jurisdictional" areas.

Local

City of Encinitas General Plan

The City's General Plan includes background information, goals, and policies aimed at the protection and maintenance of community character and aesthetic resources (which incorporate goals and policies of the City's LCP). As indicated within the City's General Plan Circulation Element, Leucadia Boulevard is designated by the City as a scenic roadway east of Interstate 5 (I-5) to Olivenhain Road. Relevant goals and policies are listed below.

Circulation Element

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

Policy 4.1: Design roads to enhance scenic areas.

Policy 4.2: Promote and encourage roadside and median landscaping.

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

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

Policy 4.12: Encourage undergrounding of utilities within street rights-of-way and transportation corridors.

Land Use Element

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

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

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

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

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

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

GOAL 7: **Development in the community should provide an identity for the City while maintaining the unique identity of the individual communities.**

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

Policy 9.2: Encourage retention of buffer zones such as natural vegetation or earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust, and light.

Resource Management Element

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

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

GOAL 4: **The City, with the assistance of the State, federal, and regional agencies, shall provide the maximum visual access to coastal and inland views through the acquisition and development of a system of coastal and inland vista points.**

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 radically for 2,000 feet from the Vista Point

  - Cover areas upon which development could potentially obstruct, limit, or degrade the view

- Development within the critical viewshed area should be subject to design review based on the following:
  - Building height, bulk, roof line, and color and scale should not obstruct, limit, or degrade the existing views;
  - Landscaping should be located to screen adjacent undesirable views (parking lot areas, mechanical equipment, etc.).

Policy 4.6: The City will maintain and enhance the scenic highway/visual corridor viewsheds.

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

- Leucadia Boulevard between Highway 101 and El Camino Real

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

Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. As part of the approvals, the project site was designated with an R-30 overlay (minimum 30 dwelling units per net acre) and requires a minimum of 246 residential housing units. Relevant policies and goals related to aesthetics are provided below:

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

Policy 2.4: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

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

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

Policy 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

City of Encinitas Municipal Code

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

Local Coastal Program (LCP)

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

Approximately two-thirds of Encinitas is located in the Coastal Zone and falls under CCC jurisdiction. As stated above, in accordance with the Coastal Act, the City has adopted and implements an LCP, which is incorporated into its General Plan as well as into provisions of the Municipal Code and various specific plans. Those policies of the General Plan relevant to the LCP are identified with shaded text throughout the document. The goals and policies of the LCP are intended to protect, maintain, and enhance the Coastal Zone environment; ensure balanced utilization and conservation; maximize public access to and along the coast; prioritize coastal-dependent and related development; and encourage coordinated state and local initiatives to implement beneficial programs and other educational uses. Any project in the Coastal Zone is subject to review by the City and/or the CCC.

The project site lies within the Coastal Zone. The City's approval of a Coastal Development Permit (CDP) will be required as part of the discretionary review process.

Encinitas Ranch Specific Plan

The Encinitas Ranch Specific Plan (Specific Plan) provides guidelines for mixed-use land development for an approximate 852-acre planning area within the City of Encinitas. The Specific Plan was developed in accordance with the provisions of the City of Encinitas General Plan. The Specific Plan Area is located approximately one mile south of La Costa Avenue and one-half mile north of Encinitas Boulevard, between Interstate 5 (I-5) and El Camino Real. The Specific Plan Area is bounded by the Pacific Ocean and I-5 to the west, Batiquitos Lagoon to the north, El Camino Real to the east, and the Quail Botanical Gardens to the south. The project site is located within the Sidonia East portion of the Encinitas Ranch Specific Plan Area and referred to as the "Echter Property; Site Number 09." Relevant policies and goals related to aesthetics are provided below:

GOAL 13: **Reflect anticipated marketing needs and public demand by providing a diversity of housing types and locations which will be marketable within the region.**

Policy 13.1: Strive to maintain a balance of housing types in the Specific Plan.

Policy 13.2: Strive to provide a wide variety of housing types so that a range of housing needs and tastes will be made available to existing and future residents.

Policy 13.3: Provide design guidelines to serve as a guide to builders, designers, and developers in designing residential developments and individual homes that would encourage diversity and creativity in design to reflect the various housing types.

City of Encinitas Design Guidelines

Where a project is subject to design review pursuant to Sections 23.08.030 and 23.08.040 of the Encinitas Municipal Code, it is recommended that applicants review the City of Encinitas' Design Guidelines for applicability to the development being proposed. The design guidelines are intended to guide future development in the City while maintaining the character and architectural design exhibited by the City's varied communities, contributing to a positive physical image and identity, and allowing for creativity and innovation in design. Lands designated as specific plan areas are also subject to separate design guidelines, and applicants for projects located in such areas are required to refer to the design recommendations in the applicable specific plan.

The following provides a brief list of design measures from the City's Design Guidelines that specifically pertain to maintaining existing views. As the project site lies within the Encinitas

Ranch Specific Plan area, the proposed project would also be subject to conformance with the overall concepts and design measures identified in that specific plan.

2.5.1 Generally, ground level view corridors should be provided from public streets. This requires space between buildings and/or development of landscaped areas that connect to open space.

2.5.2 Landscaped areas should be developed and plant materials selected so as to create and/or preserve view corridors.

2.5.3 Site planning for individual parcels shall consider internal view (for example, courtyards) as well as views looking outward.

A. Outward views should be framed with tree and shrub massing. Plantings should also soften views of the buildings from surrounding areas.

B. Where public streets are located at or below grade of development, the adjacent parkways and slopes should be landscaped with diverse plant materials to enhance motorists' views.

C. Parking areas adjacent to view corridors or streets shall be screened.

2.5.4 Projects should be designed to preserve some of the significant views through the site. Projects should be designed to preserve significant public views. A significant public view is a view of a significant feature (ocean, lagoon or backcountry) as viewed from public parks and General Plan designated vista points and scenic view corridors. Trees and vegetation that are themselves part of the view quality should be retained (see Figure 2.0-7).

2.5.5 Projects should be designed to preserve some of the significant views through the site enjoyed by residents of nearby properties.

A. Complete preservation of these views is difficult, if not impossible. Project viability can be severely reduced or destroyed in an attempt to preserve views for adjacent properties. The smaller the site, the more difficult the solution. On larger sites, however, clustering the buildings can preserve portions of these views or creating view opportunities. The reckless and unnecessary blockage of views should be avoided to provide for some view preservation. View preservation through the site shall be considered when trees are selected for landscaping the project.

B. A significant view refers to a medium- to long range view from the primary living area of significant features including the coast, ocean, lagoons, backcountry

canyons, valleys, ridges and other distinctive geographic features. The primary living area is the area most often occupied by the occupants of the residence relative to other portions of the residence and is where the view is observed. The determination of the primary living area is to be made on a case-by-case basis, but typically would be a living room, family room, kitchen, or dining area, or outdoor patio or deck immediately next to the primary living area.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

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

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

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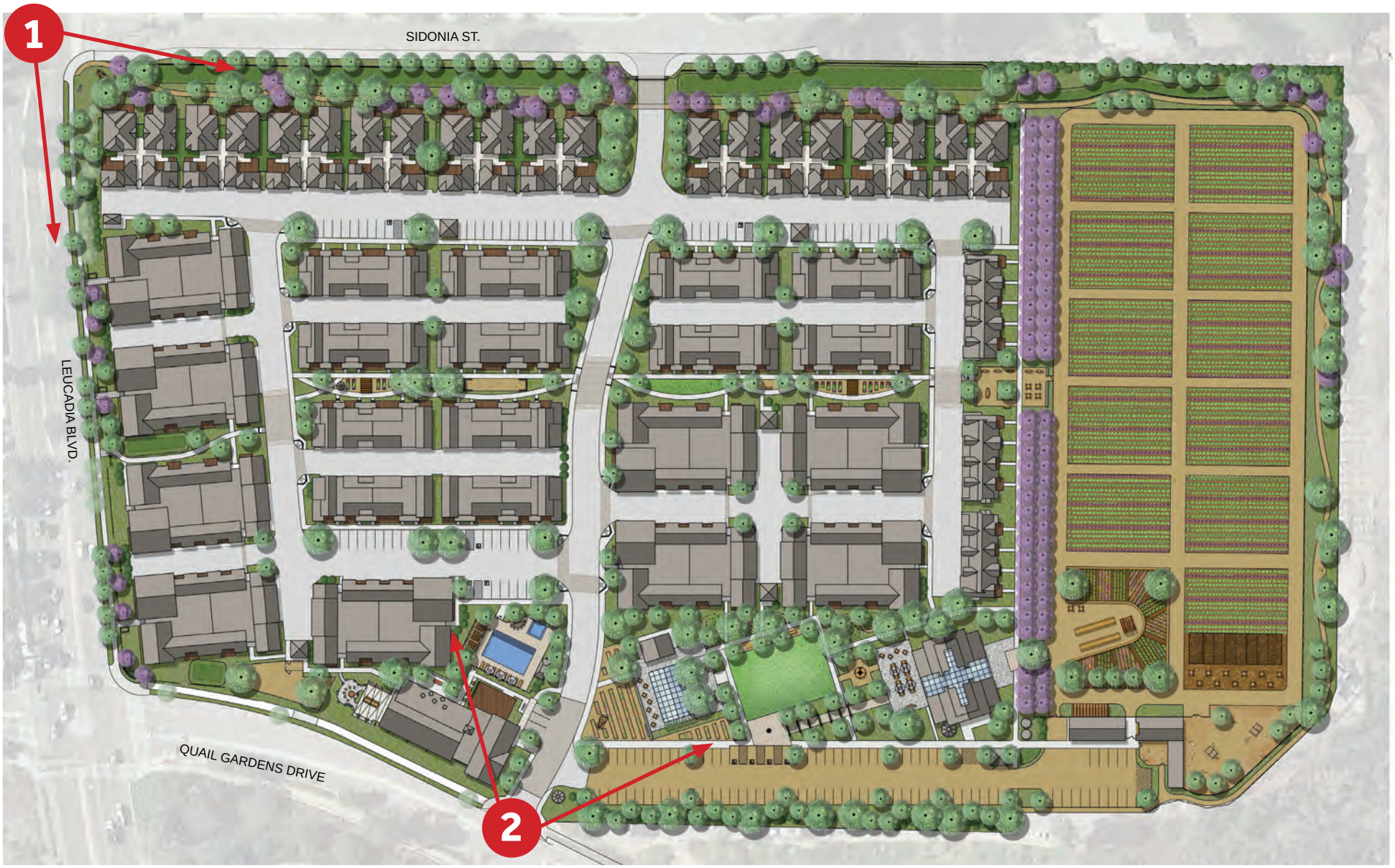

Michael Baker INTERNATIONAL

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Key View Location Map

Figure 3.1-1

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Key View 1

Figure 3.1-2

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ENVIRONMENTAL IMPACT REPORT

Key View 2

Figure 3.1-3

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PROJECT IMPACTS AND MITIGATION

SCENIC VISTA

Impact 3.1-1	**The project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.**

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

The majority of the viewsheds face west towards the Pacific Ocean or another body of water such as the lagoon, and the project site is not visible from any of these designated vista points or viewsheds as the project site is located inland from the coast, east of Interstate 5. Furthermore, general topography, intervening development, and established vegetation block views of the proposed project from any of the designated viewsheds. Therefore, existing views from these designated scenic vista points or viewsheds would not be adversely affected by the proposed project. Impacts in this regard would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCENIC RESOURCES

Impact 3.1-2	**The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. Impacts would be less than significant.**

The Resources Management Element of the City's General Plan identifies a number of scenic highway/visual corridors. Included amongst these is Leucadia Boulevard from Highway 101 east to El Camino Real. A portion of this corridor, from Sidonia Street to Quail Gardens Drive, directly abuts the project site, and the project site is visible from stretches of Leucadia Boulevard west of Sidonia Street and east of Quail Gardens Drive. Therefore, the project site was evaluated for the potential to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.

No rock outcroppings are present on the project site, and the site generally supports limited vegetation. The project site is currently developed with numerous greenhouse structures and associated agricultural processing facilities (e.g., office use, restrooms, and sheds). Therefore, the site does not support individual trees or tree stands considered to have scenic value.

One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be removed with project implementation. This structure was evaluated for historical significance (refer to Section 3.4, Cultural Resources). However, the structure was determined to not be of historical significance, nor is it considered to have scenic value.

Therefore, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH ZONING OR OTHER REGULATIONS

Impact 3.1-3	**The project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.**

According to Appendix G of the CEQA Guidelines, potential aesthetic impacts are evaluated differently based on whether the project is located in a non-urbanized or urban area. Per this threshold, projects located in non-urbanized areas would result in a significant aesthetic impact if the project substantially degraded the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage points). Projects located in urbanized areas would result in a significant aesthetic impact if the project would conflict with applicable zoning and other regulations governing scenic quality. Because the proposed project is located within an urbanized area of the City, the latter criteria is applied for analyzing potential effects of the proposed project on aesthetic resources. Below is a discussion of the proposed project's consistency with key zoning and other regulations governing scenic quality of the project site.

Additionally, a comprehensive viewshed analysis was conducted and visual simulations from two key viewpoints were rendered to provide a comparison of "before" and "after" conditions on the project site (refer to Figure 3.1-1, Key View Location Map). The visual simulations for the viewpoints are provided in Figures 3.1-2 through 3.1-3. Additionally, refer to Figure 2.0-3, Conceptual Site Plan, and Figures 2.0-5a through 2.0-5f for the architectural design plans. The

plans and resulting "before" and "after" images aid in illustrating that the proposed project would meet applicable design regulations (i.e., height, scale, lot size, etc.) and is complimentary of the visual quality of the surrounding community.

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

The proposed project would be subject to City review for conformance with design requirements identified in the Municipal Code for the R-30 overlay zone (i.e., for height, lot coverage, maximum square footage, etc.) and the Encinitas Ranch Specific Plan. The proposed project has been designed to meet all applicable design requirements with the exception of setbacks, as conformance with required minimum setbacks from the property line would not allow the proposed project to achieve the minimum allowable unit count required by the City (per the Housing Element Update) while proposing a mostly two-story residential product.

Accordingly, the project proposes to apply the density bonus, which allows projects to utilize up to three concessions and unlimited waivers. The first proposed concession would be to provide relief from the 45-foot setback requirement (per the Encinitas Ranch Specific Plan) measured from the edge of the Leucadia Boulevard right-of-way to proposed on-site structures. The project instead proposes a 25-foot setback from the edge of right-of-way to proposed structures along Leucadia Boulevard. Although the proposed setback would be less than the 45-foot requirement, the reduced setback would not result in a significant aesthetic impact for several reasons. First, the Housing Element Update established a 10-foot setback for the 15 Housing Element Update project sites; therefore, the 25-foot setback would still exceed the standard 10-foot setback requirement for sites identified in the Housing Element Update. Second, the proposed buildings along Leucadia Boulevard have been designed as two-story buildings, and would comply with the height restrictions under the HEU. Third, the overall visual quality of the proposed project would not be in conflict with the surrounding community because it would comply with the Encinitas Design Guidelines as determined through the issuance of the Design Review Permit. Specifically, the proposed project has been designed in the farmhouse style to recognize the history of Encinitas and the historic use of the Encinitas Ranch and project site. As depicted in Figures 2.0-

5a through 2.0-5f, the proposed project includes several elevations and design elements which implement the farmhouse architectural style while meeting the objectives of the City of Encinitas Design Guidelines, thus the proposed project is consistent with both the City's and the general vicinity's subject perception of bulk, height, mass, and scale.

While not visible from outside the project site, it is noted that a second Density Bonus concession related to setbacks is also proposed to accommodate the planned diversity of product types; specifically, the subdivision of land required to create that diversity of product types between the for-sale lot and the apartment lot. Each component of the proposed project would still be subject to design review by the City for architectural design and use of building materials to ensure consistency with the character of the surrounding neighborhoods, and for consistency with the design allowances of the Municipal Code (i.e., building height, lot coverage, maximum square footage, etc.). Additionally, the proposed project would be reviewed for conformance with applicable design measures identified in the Encinitas Ranch Specific Plan.

Overall, viewer response to the visual changes on the site would depend on the vantage location, distance to the site, and the degree to which the development is visible. The following is a discussion of specific public views that would be experienced from the identified key viewpoints. Visual simulations have been prepared to illustrate the anticipated building height, scale, and massing of the proposed structures relative to other existing uses in the surrounding areas.

Key View 1: Exterior view from the corner of Leucadia Boulevard and Sidonia Street.

Key View 1 is from corner of Leucadia Boulevard and Sidonia Street looking east/northeast towards the project; refer to Figure 3.1-1. Views from this location would mainly be experienced by passengers in vehicles traveling east on Leucadia Boulevard and eastbound drivers turning left onto Sidonia Street from Leucadia Boulevard.

Currently from this view, the single-family residence located on the corner of Leucadia Boulevard and Sidonia Street is the focal point while the commercial greenhouse operations comprise the background. The view experienced would be influenced by travel speed and would largely consist of the existing roadway conditions and development along both roadways. Although some viewers may appreciate the scale, low density, and low height of the existing site, the existing visual quality and character of the project site experienced from this viewpoint is considered low-moderate due to the presence of on-site commercial greenhouse operations, including greenhouses and sheds, and associated operational activities, such as the presence of large trucks and equipment. In addition, the single-family home is in a state of disrepair and generally considered low in visual value (refer to Section 3.4, Cultural Resources). Furthermore, the lack of on-site scenic resources contributes to a low-moderate designation for visual quality and character (refer to Impact 3.1-2).

As seen in Figure 3.1-2, views of the proposed development from Key View 1 would generally consist of residential units in the background and landscaping/streetscaping in the foreground. The project's proposed monument on the corner of Leucadia Boulevard and Sidonia Street would also be visible from this viewpoint. While the scale, density, and height of the proposed project would alter the existing view, the change in the view does not rise to a level of significance because the proposed project would be similar to the existing uses in the surrounding viewshed. Furthermore, the scale, density, and height of the project is consistent with the City's General Plan and HEU. Therefore, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings. Impacts would be **less than significant**.

Key View 2: Exterior view from the project's entrance on Quail Gardens Drive.

KeyView 2 is from Quail Gardens Drive looking west/northwest towards the project, and specifically the project's proposed entrance (refer to Figure 3.1-1**)**. Views from this location would primarily be experienced by passengers in vehicles traveling along Quail Gardens Drive. Views of the proposed project from the Encinitas Ranch Golf Course would be similar to those identified from Key Viewpoint 2. The current focal point from this view is the existing commercial greenhouse operation (refer to Figure 3.1-3). The view experienced would be influenced by travel speed on Quail Gardens Drive and intermediate landscaping. Although some viewers may appreciate the scale, low density, and low height of the existing site from this vantage, the existing visual quality and character of the project site is considered low-moderate due to the presence of on-site commercial greenhouse operations, including greenhouses and sheds, and associated operational activities, such as the presence of large trucks and equipment. Furthermore, the lack of on-site scenic resources contributes to a low-moderate designation for visual quality and character (refer to Impact 3.1-2).

As seen in Figure 3.1-3, views of the proposed development to the southwest from Key View 2 would generally consist of residential units in the background and landscaping/streetscaping in the foreground. Traveling north on Quail Gardens Drive, the foreground landscaping and parking lot views would also include other project features, such as the restaurant and farm stand. From the Encinitas Ranch Golf Course, viewers would also perceive an open corridor along the project entrance driveway, and the larger setbacks from the street towards the northern portion of the development. Traveling south on Quail Gardens Drive, the organic farm and associated agriculture elements located in the northern portion of the property would provide a transition in views between the adjacent open space and the residential development closer to the intersection of Quail Gardens Drive and Leucadia Blvd. While the scale, density, and height of the proposed project would alter the existing view, the change in the view does not reach a level of significance because the proposed project would be similar to the existing uses in the surrounding viewshed.

Furthermore, the scale, density, and height of the proposed project is consistent with the City's General Plan and HEU. Therefore, the proposed project would not substantially degrade the existing visual quality or character of the site or its surroundings. Impacts would be **less than significant**.

Summary

As described above, the development of the project site as proposed would not adversely alter existing views to the site from off-site public vantage points. Although the proposed project would result in a visual change in existing public views of the project site, such development is consistent with the underlying zoning and design guidelines. Furthermore, the mass and scale of the proposed project would be less than the existing conditions (compared to approximately 80% of the site that currently contains large greenhouses).

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

CREATE NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE

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

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

Glare is caused by the reflection of sunlight or artificial light on highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Daytime glare is common in urban areas and is typically associated with exterior facades largely or entirely comprising highly reflective glass. Glare can also occur during evening and

nighttime hours with the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

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

In addition to safety lighting for streets and parking areas, exterior building lights are proposed, both as architectural details on the residential buildings, as well as for signage on the barn/restaurant in the Agricultural Amenity Area.

All lighting would be consistent with the City's lighting standards, which require low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (refer to Appendix B, Conceptual Lighting Plan). Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of night-lighting that might otherwise adversely affect nighttime views in the area. Refer also to Section 3.3, Biological Resources, which addresses potential indirect effects on adjacent habitats from project lighting.

Additionally, the proposed project does not include construction or installation of structures using highly reflective materials or surfaces that could otherwise create a new source of substantial glare adversely affecting daytime views in the area. In accordance with Title 24 of the CBC solar photovoltaic (PV) panels would be installed on the roofs of all residences. Rooftop PV panels would generally be visible in views toward the proposed project. The visibility of these elements from on- and off-site viewing locations would be reduced by limiting the color contrast between grey-toned composite and/or standing seam metal roof. Dark colored PV panels are anticipated. Further, solar PV panels are designed to be highly absorptive of incoming sunlight and are not anticipated to create substantial glare that would affect motorists or on- and off-site receptors. The installation of PV panels is required to achieve building code standards and to generate adequate energy for continued operational needs, while the duration of received glare and exposure of receptors at specific on- or off-site locations to any glare generated by the proposed project would be temporary. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

Geographic Scope

The cumulative setting for aesthetics consists of existing and future uses within the proposed project's viewshed. The community of Leucadia generally offers an urbanized visual setting. The City's General Plan and Municipal Code provide guidance for the types of allowable development in Encinitas, thereby influencing future land uses and overall character at buildout.

The geographic scope for cumulative impacts related to aesthetic resources includes existing development and reasonably foreseeable future development projects. Such projects may be viewed in conjunction with the proposed project from public roadways or public lands in the surrounding viewshed and may therefore have the potential to contribute to an overall change in the existing visual setting.

Potential Cumulative Impacts

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

As mentioned under Impact 3.1-3, the Resources Management Element of the City's General Plan identifies a number of scenic vista points to the west of the project site, generally along the coastline. The project site is not visible from any of these designated vista points or viewsheds as the proposed project is located inland from the coast. Furthermore, general topography, intervening development, and established vegetation block views of the proposed project from any of the designated viewsheds.

The viewshed in the project vicinity is characterized by residential development and open space/recreational uses (Magdalena Ecke Open Space Preserve and Encinitas Ranch Golf Course). As the project proposes a similar use to that existing in surrounding residential developments within the area, the project would not result in a substantial change to the affected viewshed. Rather, it would visually blend in with the surrounding residential neighborhoods when viewed in conjunction with existing development. Furthermore, the mass and scale of the project is proposed to be less than the existing conditions (i.e., approximately 80% of the site currently

contains large greenhouses). The reduction of mass and scale would be most apparent along the northern project boundary. The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping and the planned on-site agricultural uses (proposed adjacent to the open space to the north of the site, as well as an edible paseo on the western edge of the project site).

Other existing, approved, proposed, or reasonably foreseeable projects that could combine with the proposed project to contribute to an increase in daytime glare or nighttime lighting would include residences and commercial uses in proximity to the project site and in the surrounding area. As shown on Figure 3.0-1, Cumulative Projects Map, the nearest cumulative project is approximately 0.4 miles to the west. Further, similar to the proposed project, the other cumulative projects considered would be subject to applicable City lighting and glare requirements, including design measures identified in the Encinitas Municipal Code, to ensure that such development does not adversely affect daytime or nighttime views in the area.

As surrounding land uses primarily consist of residential development (to the west and the south), the proposed project is not anticipated to contribute to cumulative effects due to the degradation of the visual quality of the site or its surroundings because the proposed project would be of a similar scale and use as surrounding land uses.

All cumulative projects in the vicinity of the proposed project, and development of other future land uses in the surrounding viewshed, would be conditioned by the discretionary review process required by the City on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed project improvements. In combination with other cumulative projects and with development of other future land uses in the surrounding area, the proposed project would not result in a significant impact to scenic vistas, damage to scenic resources on the project site, degradation of visual character or quality, or creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the proposed project would not contribute to a significant cumulative impact related to aesthetics and impacts would be **less than cumulatively considerable.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.2
Air Quality

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

This section is based on technical data presented in the *Air Quality Assessment* prepared by Ldn Consulting, Inc. (2020a; see Appendix C) and *Transportation Impact Study*, prepared by Chen Ryan and Associates (2020a, see Appendix O-1). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third-party technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

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

Topography

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

Meteorology and Climate

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

The dominant meteorological feature affecting the region is the Pacific high-pressure zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally

better than that at the base of the coastal mountain range. Most of the City consists of coastal plains, which lie adjacent to the Pacific Ocean and extend approximately 6 miles east of the Pacific Ocean. Because of its locational advantage, the westerly portion of the City has a mild climate with cool summers on the coast, where fog is common.

Fluctuations in the strength and pattern of winds from the Pacific high-pressure zone interacting with the daily local cycle produce periodic temperature inversions that influence the dispersal or containment of air pollutants in the SDAB. Beneath the inversion layer, pollutants become "trapped" as their ability to disperse diminishes. The prevailing westerly wind pattern is sometimes interrupted by regional Santa Ana conditions. A Santa Ana wind occurs when a strong high pressure system develops over the Nevada-Utah area and overcomes the prevailing westerly coastal winds, sending strong, steady, hot, dry northeasterly winds over the mountains and out to sea. Strong Santa Anas tend to blow pollutants out over the ocean, producing clear days inland. However, at the onset or during breakdown of these conditions or if the Santa Anas are weak, local air quality may be adversely affected.

Sensitive Receptors

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The nearest sensitive receptors are adjacent residences to the west of the project site and the Capri Elementary School located at 941 Capri Road (approximately 0.6 miles northwest of the project site).

Air Pollutants of Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), lead, and fugitive dust are primary air pollutants. Of these, CO, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere (for example, ozone [O_3] is formed by a chemical reaction between ROG and NO_X in the presence of sunlight). Ozone and nitrogen dioxide (NO_2) are the principal secondary pollutants.

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

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

Pollutant	Major Man-Made Sources	Human Health and Welfare Effects
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone and acid rain. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Ozone (O_3)	Formed by a chemical reaction between volatile organic compounds (VOC) and NO_x in the presence of sunlight. VOCs are also commonly referred to as reactive organic gases. Common sources of these precursor pollutants include motor vehicle exhaust, industrial emissions, gasoline storage and transport, solvents, paints, and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield. Damages rubber, some textiles, and dyes.
Particulate Matter (PM_{10} & $PM_{2.5}$)	Produced by power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles, and other sources.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (haze).
Sulfur Dioxide (SO_2)	A colorless, nonflammable gas formed when fuel containing sulfur is burned; when gasoline is extracted from oil; or when metal is extracted from ore. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.

Source: CAPCOA 2019

REGULATORY FRAMEWORK

Federal and State

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the National Ambient Air Quality Standards (NAAQS) to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental

Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before an air basin can attain the standard. Air quality is considered "in attainment" if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O_3, CO, SO_2 (1-hour and 24-hour), NO_2, PM_{10} and $PM_{2.5}$, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. The NAAQS and CAAQS are presented in Table 3.2-2, Ambient Air Quality Standards.

Table 3.2-2 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
O_3	1 hour	0.09 ppm (180 µg/m^3)	—	Same as Primary Standard
	8 hours	0.070 ppm (137 µg/m^3)	0.070 ppm (137 µg/m^3)	
NO_2	1 hour	0.18 ppm (339 µg/m^3)	0.100 ppm (188 µg/m^3)	Same as Primary Standard
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	0.053 ppm (100 µg/m^3)	
CO	1 hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)	None
	8 hours	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)	
SO_2	1 hour	0.25 ppm (655 µg/m^3)	0.075 ppm (196 µg/m^3)	—
	3 hours	—	—	0.5 ppm (1,300 µg/ m^3)
	24 hours	0.04 ppm (105 µg/m^3)	0.14 ppm (for certain areas)	—
	Annual	—	0.030 ppm (for certain areas)	—
PM_{10}	24 hours	50 µg/m^3	150 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m^3	—	
$PM_{2.5}$	24 hours	—	35 µg/m^3	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m^3	12.0 µg/m^3	15.0 µg/m^3
Lead	30-day Average	1.5 µg/m^3	—	—
	Calendar Quarter	—	1.5 µg/m^3 (for certain areas)	Same as Primary Standard
	Rolling 3-Month Average	—	0.15 µg/m^3	
Hydrogen sulfide	1 hour	0.03 ppm (42 µg/m^3)	—	—
Vinyl chloride	24 hours	0.01 ppm (26 µg/m^3)	—	—

Table 3.2-2, continued

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration	Primary	Secondary
Sulfates	24 hours	25 µg/m^3	—	—
Visibility-reducing particles	8 hours (10:00 a.m. to 6:00 p.m. PST)	Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to the number of particles when the relative humidity is less than 70%	—	—

Source: CARB 2016

Notes: µg/m^3 = micrograms per cubic meter; CO = carbon monoxide; mg/m^3 = milligrams per cubic meter; NO_2 = nitrogen dioxide; O_3 = ozone; PM_{10} = particulate matter with an aerodynamic diameter less than or equal to 10 microns; $PM_{2.5}$ = particulate matter with an aerodynamic diameter less than or equal to 2.5 microns; ppm = parts per million by volume; SO_2 = sulfur dioxide

San Diego County Regional Air Quality Strategy

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

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

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

Criteria Pollutant	Federal Designation	State Designation
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment *	Nonattainment
Carbon Monoxide	Attainment	Attainment
PM_{10}	Unclassifiable **	Nonattainment

Table 3.2-3, continued

Criteria Pollutant	Federal Designation	State Designation
$PM_{2.5}$	Attainment	Nonattainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Notes:
* The federal 1-hour standard of 12 pphm [parts per hundred million] was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in State Implementation Plans.
** At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as unclassifiable.
Source: SDAPCD 2020

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

The SIP relies on the same information from SANDAG to develop emissions inventories and emissions reduction strategies that are included in the attainment demonstration for the air basin. The plan also includes rules and regulations that have been adopted by the SDAPCD to control emissions from stationary sources. These SIP-approved rules may be used as guidelines to determine whether a project's emissions would have the potential to conflict with the SIP and thereby hinder attainment of the NAAQS for ozone.

SDAPCD Measures to Reduce Particulate Matter in San Diego County

In 2005, the SDAPCD adopted the *Measures to Reduce Particulate Matter in San Diego County*. This document identifies fugitive dust as the major source of directly emitted particulate matter in the county, with mobile sources and residential wood combustion as minor contributors. Data on $PM_{2.5}$ source apportionment indicates that the main contributor to $PM_{2.5}$ in the county is combustion organic carbon, followed closely by ammonium sulfate and ammonium nitrate from combustion sources. The main contributors to PM_{10} include resuspended soil and road dust from unpaved and paved roads, construction and demolition sites, and mineral extraction and

processing. Based on the report's evaluation of control measures recommended by CARB to reduce particulate matter emissions, the SDAPCD adopted Rule 55, Fugitive Dust Control, in June 2009. The SDAPCD requires that construction activities implement the measures listed in Rule 55 to minimize fugitive dust emissions. Rule 55 requires the following:

1. No person shall engage in construction or demolition activity in a manner that discharges visible dust emissions into the atmosphere beyond the property line for a period or periods aggregating more than 3 minutes in any 60-minute period.

2. Visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out shall be minimized by the use of any of the equally effective track-out/carry-out and erosion control measures listed in Rule 55 that apply to the project or operation. These measures include track-out grates or gravel beds at each egress point; wheel-washing at each egress during muddy conditions; soil binders, chemical soil stabilizers, geotextiles, mulching, or seeding; watering for dust control; and using secured tarps or cargo covering, watering, or treating of transported material for outbound transport trucks. Erosion control measures must be removed at the conclusion of each workday when active operations cease, or every 24 hours for continuous operations.

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

Table 3.2-4 Screening Thresholds for Criteria Pollutants

Pollutant	Total Emissions (Pounds per Day)	Total Emissions (Tons per Year)
Construction Emissions		
Respirable Particulate Matter (PM_{10} and $PM_{2.5}$)	100 and 55	15
Nitrogen Oxide (NO_x)	250	40
Sulfur Oxide (SO_x)	250	40
Carbon Monoxide (CO)	550	100
Volatile Organic Compounds (VOCs)	75	40
Reactive Organic Gases (ROG)	75	40

Table 3.2-4, continued

Pollutant	Total Emissions (Pounds per Day)	Total Emissions (Tons per Year)
Operational Emissions		
Respirable Particulate Matter (PM_{10} and $PM_{2.5}$)	100 and 55	15
Nitrogen Oxide (NO_x)	250	40
Sulfur Oxide (SO_x)	250	40
Carbon Monoxide (CO)	550	100
Lead and Lead Compounds	3.2	0.6
Volatile Organic Compounds (VOCs)[1]	75	40
Reactive Organic Gases (ROG) SCAQMD	75	40

Notes: 1) Since the SDAPCD does not have AQIA threshold for emissions of VOCs, analysis for this project uses the VOC threshold from the South Coast Air Quality Management District (SCAQMD).
Source: Ldn Consulting, 2020a (Appendix C)

Other SDAPCD Rules and Regulations

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

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

The SDAPCD also implements New Source Review (NSR) in the air basin. Prior to the installation of new, modified, relocated, or replacement equipment that results in an increase of air pollution emissions, the SDAPCD requires that an Authority to Construct be obtained and that the equipment be evaluated in accordance with applicable NSR rules. A Permit to Operate from the

SDAPCD would be required to authorize operation or use of the equipment. If such equipment would exceed air pollutant thresholds, it must use Best Available Control Technology (BACT) to reduce emissions. BACT definitions and requirements are outlined in SDAPCD Rule 20.1, NSR–General Provisions.

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

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

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

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

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

SDAPCD Rule 51 - Odor Impacts

The State of California Health and Safety Code, Division 26, Part 4, Chapter 3, Section 41700 SDAPCD Rule 51 (Public Nuisance), and the City's Municipal Code prohibit emissions from any source in such quantities of air contaminants or other material that cause injury, detriment,

nuisance, or annoyance to the public health or damage to property. Projects required to obtain permits from SDAPCD are evaluated by SDAPCD staff for potential odor nuisance, and conditions may be applied (or control equipment required) where necessary to prevent occurrence of public nuisance.

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

Local

City of Encinitas General Plan

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

Circulation Element

Policy 3.3: Create a safe and convenient circulation system for pedestrians.

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

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

Resource Management Element

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

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

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

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

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

Policy 15.1: The City will encourage the use of alternate energy systems, including passive solar and architectural and mechanical systems, in both commercial and residential development.

Policy 15.2: The patterns of proposed subdivisions and the orientation and design of structures on lots shall be designed with the objective of maximizing the opportunities for solar energy use and energy conservation.

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

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

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

1. Conflict with or obstruct the implementation of the applicable air quality plan.

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

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AIR QUALITY PLAN

Impact 3.2-1	**The project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.**

The project site is located in the SDAB and is regulated by the SDAPCD as described above. The City of Encinitas recently adopted the Housing Element Update (HEU) to the General Plan that included updated employment and residential growth projections. The HEU Environmental Assessment determined that the HEU would result in a cumulative impact due to the increase in residential units which were not accounted for in the RAQS and SIP at that time. As part of the mitigation requirements of the HEU EA, the City provided a revised housing forecast to SANDAG to ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP (refer to Section 3.9, Land Use and Planning).

Air quality is an inherently cumulative issue with the SDAB being the geographic scope of analysis. Recognizing this, the SDAPCD's emissions thresholds are devised to regulate air basin-wide emissions at the project level. If project's fall below these thresholds, they are determined not to contribute significantly to cumulative air basin-wide emissions, and accordingly would not result in a significant project impact.

Because the proposed project falls below thresholds for emissions of criteria air pollutants, the project would not conflict with or obstruct implementation of the RAQS and SIP. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS

Impact 3.2-2 The project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant.

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are schools, hospitals, and daycare centers (California Health and Safety Code § 42705.5(a)(5)). CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis.

The nearest sensitive receptor is Capri Elementary School located at 941 Capri Road (approximately 0.6 miles northwest of the project site). However, to be conservative, existing residences south and west of the project site were also considered sensitive receptors for the purpose of this analysis. According to the SDACPD's Rule 1200, a project would result in a significant impact to a sensitive receptor if the project's emissions of any toxic air contaminant resulted in a cancer risk greater than 10 in 1 million.

Construction

Emissions of pollutants, such as fugitive dust and heavy equipment exhaust, that are generated during construction are generally highest near the construction site. Emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod). CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, and proposed uses. When project-specific information is not available or known, CalEEMod includes built in default values which are industry-accepted standards to appropriately model and estimate emissions. To estimate construction emissions, the following phases were modeled: demolition, site preparation, grading, paving, building construction, and architectural coatings application. Demolition and construction of the project is expected to begin in 2021 and be completed in 2023. CalEEMod provides default assumptions regarding horsepower rating, load factors for heavy equipment, and hours of operation per day. Default assumptions in CalEEMod and assumptions for similar projects were used to represent operation of heavy construction equipment. Construction calculations in CalEEMod utilize the numbers and types of equipment shown in Table 3.2-5.

Table 3.2-5 Expected Construction Equipment

Equipment Identification	Proposed Start	Proposed Complete	Quantity
Demolition	06/01/2021	06/30/2021	
Concrete/Industrial Saws			1
Excavators			3
Rubber Tired Dozers			2
Site Preparation	07/01/2021	07/21/2021	
Rubber Tired Dozers			3
Tractors/Loaders/Backhoes			4
Grading	07/22/2021	09/30/2021	
Excavators			2
Graders			1
Rubber Tired Dozers			1
Scrapers			2
Tractors/Loaders/Backhoes			2
Paving	09/01/2021	09/28/2021	
Pavers			2
Paving Equipment			2
Rollers			2
Building Construction	10/01/2021	01/20/2023	
Cranes			1
Forklifts			3
Generator Sets			1
Tractors/Loaders/Backhoes			3
Welders			1
Architectural Coating	10/01/2022	01/13/2023	
Air Compressors			1

Notes: This equipment list is based upon equipment inventory within CalEEMod. The quantity and types are based upon assumptions provided by the project applicant.
Source: Ldn Consulting, 2020a (Appendix C)

In addition to calculating emissions from heavy construction equipment, CalEEMod contains calculation modules to estimate emissions of fugitive dust, based on the amount of earthmoving or surface disturbance required; emissions from heavy-duty truck trips or vendor trips during construction activities; emissions from construction worker vehicles during daily commutes; emissions of ROG from paving using asphalt; and emissions of ROG during application of architectural coatings. As part of the project, it was assumed that standard dust control measures (watering three times daily; using soil stabilizers on unpaved roads) and architectural coatings that comply with SDAPCD Rule 67.0.1 (assumed to meet a VOC content of 50 grams per liter (g/l) for flat coatings and 100 g/l for nonflat coatings) would be used during construction.. Further, as a project component, the proposed project would utilize Tier 4 diesel construction equipment with diesel particulate filters. Table 3.2-6, Expected Construction Emissions Summary, provides the detailed emission estimates for each year of construction, as calculated with CalEEMod (Appendix C).

Table 3.2-6 Expected Construction Emissions Summary (pounds per day)

Year	ROG	NO_x	CO	SO_2	PM_{10} (Dust)	PM_{10} (Exhaust)	PM_{10} (Total)	$PM_{2.5}$ (Dust)	$PM_{2.5}$ (Exhaust)	$PM_{2.5}$ (Total)
2021	1.49	14.13	52.44	0.10	18.21	0.05	18.22	9.97	0.05	9.98
2022	43.66	6.53	26.39	0.06	2.31	0.03	2.34	0.62	0.03	0.65
2023	43.59	5.71	25.88	0.06	2.31	0.02	2.33	0.62	0.02	0.64
Maximum	*43.66*	*14.13*	*52.44*	*0.10*	*18.21*	*0.05*	*18.22*	*9.97*	*0.05*	*9.98*
Significance Threshold (lbs/day)	75	250	550	250	-	-	100	-	-	55
SDAPCD Impact?	No	No	No	No	-	-	No	-	-	No

Source: Ldn Consulting, 2020a (Appendix C)

As shown in Table 3.2-6, emissions of criteria pollutants during construction would be below the thresholds of significance for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, no significant impact would occur and no mitigation measures are required.

Health Risk

As part of the *Air Quality Assessment*, a screening-level health risk assessment was conducted to determine the project's potential to generate health risk impacts on nearby sensitive receptors due to construction and operation/occupancy activities. The analysis used a worst-case scenario for PM_{10} from on-site construction exhaust. As such, it was determined that the project would result in an annual concentration of 0.0068 $\mu g/m^3$.

Based on this worst-case scenario, the inhalation cancer risk was calculated as 1.42 per million exposed at the point of maximum exposure of approximately 682 feet away as predicted by the AERSCREEN model (Appendix C). As mentioned previously, the proposed project would utilize Tier 4 diesel equipment with diesel particulate filters, which is considered a T-BACT; therefore, the threshold for significance under SDAPCD is 10 per million. As such, the project is consistent with SDAPCD's Rule 1200 and; therefore, the increase in cancer risk would not reach the level of significance under CEQA. Impacts in this regard would be less than significant.

Diesel exhaust may also contribute to acute and chronic non-cancer health risks. Non-cancer risks, with respect to diesel particulate matter, are determined by the Health Hazard Index developed by the California's Office of Environmental Health Hazard Assessment (OEHHA). To calculate the hazard index value, a project's estimated diesel particulate matter concentration is divided by the corresponding reference exposure levels which for diesel particulate matter is 5 $\mu g/m^3$ (Ldn 2020a).

If a project's Health Hazard Index value equals or exceeds one, a health hazard is presumed to exist. Analysis of the non-cancer health risks determined that the project would result in a Health Hazard Index of 0.017 (refer to Appendix C for additional details). Since the index number is less than one, non-cancer risks would not occur (Appendix C). Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations during construction. Impacts would be **less than significant**.

Operations/Occupancy

Operational impacts would include impacts associated with vehicular traffic, as well as area sources such as energy use (i.e., natural gas), water and wastewater, landscaping maintenance, consumer products use (i.e., household cleaners, automotive products), and architectural coatings use for maintenance purposes. Operational impacts associated with vehicular traffic and area sources were estimated using CalEEMod. As described in Section 3.12, Transportation, the proposed project would generate approximately 1,690 net average daily trips once the project is fully operational. The expected daily pollutant generation can be calculated utilizing the product of the average daily miles within the City and the expected emissions inventory. Operational daily pollutant emissions are shown in Table 3.2-7.

Table 3.2-7 Expected Daily Pollutant Generation (pounds per day)

	ROG	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Summer Scenario						
Area	6.94	0.24	20.63	0.00	0.11	0.11
Energy	0.08	0.73	0.38	0.00	0.06	0.06
Mobile	2.11	7.56	21.14	0.08	6.87	1.87
Total (lb/day)	**9.13**	**8.53**	**42.15**	**0.08**	**7.04**	**2.05**
SDAPCD Thresholds	75	250	550	250	100	55
Significant?	**No**	**No**	**No**	**No**	**No**	**No**
Winter Scenario						
Area	6.94	0.24	20.63	0.00	0.11	0.11
Energy	0.08	0.73	0.38	0.00	0.06	0.06
Mobile	2.03	7.72	21.17	0.07	6.87	1.87
Total (lb/day)	**9.06**	**8.68**	**42.18**	**0.08**	**7.04**	**2.05**
SDAPCD Thresholds	75	250	550	250	100	55
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Ldn Consulting, 2020a (Appendix C)

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

Additionally, air pollutant emissions related to project-generated traffic have the potential to create new, or worsen existing, localized air quality violations with respect to carbon monoxide known as "hot spots." The City recommends using the County's screening thresholds to conduct hot spot analyses when a project would add vehicular trips to an intersection that operates at Level of Service (LOS) E or F, the addition of project trips re-classify an intersection from an acceptable LOS to LOS E or F, or when total intersection peak-hour trips exceed 3,000 vehicles.

According to the *Transportation Impact Study* (see Appendix O-1), the project would add trips to two intersections currently experiencing LOS of E or worse: (1) Garden View Road/Leucadia Boulevard and (2) El Camino Real/Leucadia Boulevard. Both intersections currently operate with 3,000 vehicles per hour. Under the worst-case scenario, the intersection of El Camino Real/ Leucadia Boulevard would operate with over 6,000 vehicles during the PM peak-hour. As such, traffic from the proposed project has the potential to generate CO emissions in excess of the CAAQS.

For purposes of this analysis, the more stringent CAAQS standard was used for the 1-hour standard (CO limits of 9 parts per million) and 8-hour standard (CO limits of 20 parts per million). As shown in Table 3.2-8, Expected Carbon Monoxide Hot Spot Concentration Levels, the 1-hour and 8-hour CO levels at the El Camino Real/Leucadia Boulevard would not exceed the CAAQS thresholds and a significant impact would not occur. Similarly, since all other remaining intersections have lower traffic volumes, a less than significant impact would also occur.

Additionally, it should be noted that the Sidonia Secondary Access Option would add the same number of trips to the intersection of El Camino Real/Leucadia Boulevard; thus, impacts associated with this option would also be less than significant. Therefore, implementation of the project would not create or contribute to an existing CO hot spot and impacts would be **less than significant**.

Table 3.2-8 Expected Carbon Monoxide Hot Spot Concentration Levels

Intersection	Vehicles Per Hour	Predicted Concentration PPM	
	PM	1-hour	8-hour
El Camino Real/Leucadia Boulevard	6,368	3.4	2.4
CAAQS - Significant Thresholds?		20	9
Significant		No	No

Sources: Ldn Consulting, 2020a (Appendix C).
Emission levels taken from EMFAC 2017. Traffic Volumes obtained from the *Transportation Impact Study*, Chen Ryan & Associates (Appendix O-1)

Mitigation Measures: None required.

Level of Significance: Less than significant.

OTHER EMISSIONS SUCH AS THOSE LEADING TO OBJECTIONABLE ODORS

Impact 3.2-3	**The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.**

Individual responses to odors are highly variable and can result in various effects, including psychological (i.e., irritation, anger, or anxiety) and physiological (i.e., circulatory and respiratory effects, nausea, vomiting, and headache). Generally, the impact of an odor results from a variety of interacting factors such as frequency, duration, offensiveness, location, and sensory perception. Although offensive odors seldom cause physical harm, they can be annoying and cause distress among the public and generate citizen complaints.

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

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

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

Agricultural operations associated with the proposed project may include various diesel-powered vehicles and equipment used on the property. These sources are mobile and transient in nature, and the distance to the closest off-site sensitive receptors would provide for dilution of odor-producing constituent emissions. Such odors dissipate rapidly and are typically

temporary. Therefore, project operations in this regard would not result in emissions leading to odors that would adversely affect a substantial number of people.

Although the proposed project would include composting of organic material and animal raising on-site as part of the organic farm, these activities are consistent with the underlying agricultural zoning of the property, as well as the provisions within the Encinitas Ranch Specific Plan. Additionally, any such composting and animal operations would be located within the easternmost portion of the farm use area, in the northeast of the project site. These activities would not generate offensive odors to sensitive residential receptors because composting and animal operations would be located over 500 feet from the nearest residentially-zoned sensitive receptor on Sidonia Street (refer to Figure 2.0-5, Conceptual Site Plan) , and because east of the project site is an existing golf course . As a result, the project would not result in a significant odor impact from operation of the organic farm.

Additionally, the project would reduce the area of agricultural operations on-site by more than 50 percent as compared to existing conditions and would therefore be expected to utilize fewer pesticides than the current agricultural operation. The project would also implement natural growing methods and permaculture techniques that would avoid the likelihood of exposure of the community or surrounding land uses to any harmful emissions from pesticide use.

Therefore, the proposed project would not result in emissions (such as those leading to odors) that would adversely affect a substantial number of people. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

Geographic Scope

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the SDAPCD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether the

project's individual emissions would have a cumulatively significant impact on air quality. Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to air quality, are identified in Table 3-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. Potential cumulative air quality impacts may potentially result when the emissions from cumulative projects combine to degrade air quality conditions below attainment levels for the SDAB, delay attainment of air quality standards, affect sensitive receptors, or subject surrounding areas to objectionable odors. The cumulative study area for air quality includes the SDAB, which is contiguous with San Diego County because air quality is evaluated at the air basin level. Cumulative impacts on sensitive receptors and odors are more localized and include surrounding areas close to the project site.

Potential Cumulative Impacts

As shown in Table 3.2-3, the SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), PM_{10}, and $PM_{2.5}$. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for ozone) potentially contribute to poor air quality. The SDAPCD significance thresholds consider the cumulative impact of a project that adds emissions to the entire air basin, in this case a basin already in nonattainment for several criteria. As indicated in Table 3.2-6 and Table 3.2-7, construction and operations/occupancy emissions would not exceed the SDAPCD significance thresholds. Other projects included in the cumulative project list would similarly be required to evaluate if such projects would exceed significance thresholds and contribute to an overall cumulative air impact in the basin.

Based on the *Transportation Impact Study* (Appendix O-1), the nearest cumulative projects to the project site are the Sunshine Gardens Apartments, Sanderling Waldorf School and the Ocean View Development. The Sanderling Waldorf School and Sunshine Gardens projects are located approximately 4,900 feet south of the project site and the Ocean View development is located further to the south. Additionally, these projects are of lesser size than the proposed project. As the project health risk screening model predicted that diesel exhaust during construction would produce the highest concentrations approximately 682 feet from the project and would generate a cancer risk of 1.42 per one million exposed, cumulative contributions from these cumulative projects would not be large enough or have a construction intensity to cause the risk to exceed 10 per one million exposed. Additionally, as construction emissions identified in Table 3.2-6 are low relative to standards, simultaneous construction of all three projects would cause a less than significant cumulative impact on air quality (refer also to Appendix C).

The thresholds were developed to address criteria pollutants on an air-basin scale because air quality is an inherently cumulative issue. Because the proposed project is below these thresholds, it therefore would not result in a considerable contribution to regional air quality impacts. As

noted under Impact 3.2-1 above, the Housing Element EA concluded that the buildout of housing identified in the Housing Element would result in an inconsistency with the RAQS. Per the mitigation requirements of the Housing Element EA, the City provided SANDAG with updated housing and land use data necessary to update the RAQS. Until such time that the updated RAQS is released to incorporate the updated City land use data, a significant cumulative impact with respect to this threshold exists. However, as detailed above, the proposed project's emissions fall below established thresholds and therefore the project's contribution to this cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.3
Biological Resources

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

The analysis in this section is substantially based on the *Biological Resources Assessment* prepared by ECORP Consulting, Inc. (2020a; see Appendix D-1) and the *Tree Survey* prepared by Schmidt Design group (2020; Appendix D-2). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third-party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is located at the northwest corner of the Leucadia Boulevard/Quail Gardens Drive intersection, in the Leucadia community of Encinitas. The site is located in an urbanized setting, and is highly disturbed due to current on-site commercial agricultural operations. The areas where the current greenhouses stand are largely developed with some areas of disturbed vegetation, and routine weed abatement for these areas occurs on an ongoing basis.

One existing occupied single-family residential unit is located in the southwestern portion of the site (near the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be demolished with project implementation. The remainder of the project site is occupied by private commercial greenhouse structures which are also proposed to be demolished with project implementation.

The Encinitas Ranch Golf Course is located to the east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development lies west and south of the project site. The Magdalena Ecke Open Space Preserve borders the site along the northern property boundary.

Appendix D-1 documents the biological surveys completed within and along the boundaries of the subject property. The assessment revealed that a number of special-status species have been previously recorded in the project vicinity, although none are expected to occur on or adjacent to the project site due to the absence of suitable habitat conditions and the developed/disturbed nature of such lands. More detailed discussion of the potential presence of sensitive habitat, plants, and animal species on-site is provided below.

Literature Review

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

- Records search of the California Natural Diversity Database (CNDDB)
- List of potentially occurring special-status plants generated by a query of the California Native Plant Society (CNPS) *Inventory of Rare, Threatened, and Endangered Plants of California*
- List of potentially occurring listed species generated from a review of the US Fish and Wildlife Service (USFWS) list of federal endangered and threatened species
- National Wetlands Inventory (USFWS)
- San Diego Geographic Information Source (SANGIS)

Field Reconnaissance

On March 19, 2020, the entire project site, as well as adjacent natural areas, were surveyed on foot by ECORP. Focused, protocol-level surveys were not conducted as part of the site visit due to the developed conditions of the site and results of the literature review. Plant and wildlife species observed during the survey were recorded, and representative photographs of the property were taken. The individuals who conducted the surveys, the date and time of the surveys, and survey conditions are available in the *Biological Resources Assessment* (see Appendix D-1).

Existing Conditions

Biological Setting

Vegetation Communities

Due to the developed condition of the subject property, intact vegetation communities are not present on-site. As such, the land use type is classified as urban/developed. Refer to Figure 2.0-2, Project Vicinity Map, which illustrates the extent of development on-site. Surrounding lands are largely classified as urban/developed uses; however, vegetation communities classified as eucalyptus woodland, Diegan coastal sage scrub, and grassland are present within proximity to the northern property boundary.

Urban/Developed

Urban/developed areas do not constitute a vegetation classification, but rather a land cover type. These areas are typically characterized as lands that have been constructed upon or otherwise physically altered to an extent that vegetation communities are no longer supported. This land cover type is not considered to be sensitive by the City, or by state or federal agencies.

Diegan Coastal Sage Scrub

Diegan coastal sage scrub was observed to the north of the project site near the Magdalena Ecke Open Space Preserve. The vegetation community is composed of low-growing, aromatic, drought-deciduous, soft-woody shrubs. Typically, this community is found on sites with steep, dry slopes or on clay-rich soils that are slow to release stored water. Dominant species include California encelia, coastal sagebrush, and jimson weed. This vegetation community has the potential to host special-status species such as the coastal California gnatcatcher (see Appendix D-1).

Eucalyptus Woodland

Eucalyptus woodland was observed to the north of the project site near the Magdalena Ecke Open Space Preserve. Eucalyptus habitats range from single-species thickets with little or no shrubby understory to scattered trees over a well-developed herbaceous and shrubby understory. They are found in coastal and foothill regions with significant access to water stores. In most cases, eucalyptus forms a dense stand with a closed canopy and produces a large amount of leaf and bark litter, which limits the ability of other species to grow in the understory.

Non-native Grassland

Non-native grassland was observed adjacent to the project site. This vegetation community is a mixture of annual grasses and broad-leaved, herbaceous species. Annual species comprise 50 percent to more than 90 percent of the vegetative cover, and most annuals are non-native species. Non-native grasses typically comprise at least 30 percent of the vegetation, although this number can be much higher in some years and lower in others, depending on land use and climatic conditions. Typically, the annual grasses form a continuous or open cover.

Sensitive Habitats

Sensitive habitats include the following:

- Areas of special concern to resource agencies
- Areas that provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines

- Areas designated as sensitive natural communities by the CDFW
- Areas outlined in California Fish and Game Code (FGC) Section 1600
- Areas regulated under Clean Water Act Section 404
- Areas protected under Clean Water Act Section 401
- Areas protected under local regulations and policies

Critical habitat is a term from the federal Endangered Species Act (ESA) designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species. Critical habitat is designated by the USFWS. There is no USFWS critical habitat for special-status plants mapped within or adjacent to the project area (see Appendix D-1).

Special-Status Species

Candidate, sensitive, or special-status species are commonly characterized as species that are at potential risk or actual risk to their persistence in a given area or across their native habitat. These species have been identified and assigned a status ranking by governmental agencies such as the CDFW or the USFWS and private organizations such as the CNPS. The degree to which a species is at risk of extinction is the determining factor in the assignment of a status ranking. Some common threats to a species' or population's persistence include habitat loss, degradation, and fragmentation, as well as human conflict and intrusion. For the purposes of the biological review, special-status species are defined by the following codes:

- Listed, proposed, or candidates for listing under the federal ESA (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the California ESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.)
- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, and 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380) including CNPS List Rank 1b and 2

Sensitive Plants

Due to the developed and disturbed condition of the site, sensitive plant species are unlikely to occur on-site. The special-status plant species that were determined to have some potential to occur on land adjacent to the project site include Del Mar manzanita; Encinitas baccharis; California adolphia; Shaw's agave; Orcutt's spineflower; long-spined spineflower; Del Mar Mesa sand aster; Orcutt's hazardia; Nuttall's scrub oak; decumbent goldenbush; and San Diego marsh-elder. Although these species could occur in the adjacent lands north of the project site, it is unlikely that these species occur on-site due to current land uses and the highly disturbed nature of the property. Additionally, there is no USFWS critical habitat for special-status plants mapped within or adjacent to the project area (see Appendix D-1).

Sensitive Wildlife

No special-status wildlife species were observed or detected during the reconnaissance survey. Wildlife observed included common raven, song sparrow, house finch, mourning dove, Anna's hummingbird, and western fence lizard.

Due to a lack of suitable habitat, it is presumed that no special-status wildlife species are present on-site. However, it was determined that one special-status species—coastal California gnatcatcher—has a high potential to occur on land adjacent to the project site (i.e., the area north of the project, within the Magdalena Ecke Open Space Preserve). The coastal California gnatcatcher, which is listed as threatened by the USFWS, is found in coastal sage scrub, desert scrub, and coastal dune scrub habitats. This species is known to occur within the Magdalena Ecke County Preserve. Other species identified as having some potential to occur or use habitat within the preserve area include coastal cactus wren and San Diego desert woodrat.

Migratory Birds

The project site contains ornamental vegetation, landscape trees, and shrubs that could support foraging and nesting habitat for migratory bird species and, in some locations, for raptors. While nests were not observed on-site during the reconnaissance survey, non-native palm, eucalyptus, and other observed tree species could provide suitable habitat for raptor nesting.

Jurisdictional Waters

Jurisdictional waters of the State and waters of the United States, along with isolated wetlands, serve a variety of functions for plants and wildlife. Wetlands and other water features provide habitat, foraging, cover, and migration and movement corridors for both special-status and common species. In addition to habitat functions, these features physically convey surface water flows and are capable of handling large stormwater events. Based on the field survey and literature review, no jurisdictional wetlands and/or waterways occur within the project area.

REGULATORY FRAMEWORK

Federal

Endangered Species Act

The federal Endangered Species Act provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a "take" under the ESA. Take of a federally listed threatened or endangered species is prohibited without a special permit. The ESA allows for take of a threatened or endangered species incidental to development activities once a habitat conservation plan has been prepared to the satisfaction of the USFWS and an incidental take permit has been issued. The ESA also allows for the take of threatened or endangered species after consultation has deemed that development activities will not jeopardize the continued existence of the species. The federal ESA also provides for a Section 7 consultation when a federal permit is required, such as a Clean Water Act Section 404 permit.

Clean Water Act

Section 401 of the federal Clean Water Act (CWA) requires any applicant for a federal license or permit that is conducting any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards. The appropriate Regional Water Quality Control Board (RWQCB) regulates Section 401 requirements.

CWA Section 404 prohibits the discharge of dredged or fill material into waters of the United States without a permit from the US Army Corps of Engineers (USACE). The USACE and the US Environmental Protection Agency administer the act. In addition to streams with a defined bed and bank, the definition of waters of the United States includes wetland areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3 7b). The lateral extent of non-tidal waters is determined by delineating the ordinary high-water mark (33 CFR Section 328.4[c][1]).

Substantial impacts to jurisdictional wetlands may require an individual permit. Small-scale projects may require a nationwide permit, which typically has an expedited process compared to the individual permit process. Mitigation of wetland impacts is required as a condition of the 404 permit and may include on-site preservation, restoration, and/or enhancement and/or off-site

restoration or enhancement. The characteristics of restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. The State of California has incorporated the protection of birds of prey in FGC Sections 3800, 3513, and 3503.5.

All raptors and their nests are protected from take or disturbance under the MBTA (16 United States Code [USC] Section 703 et seq.) and California statute (FGC Section 3503.5).

State

California Endangered Species Act

The California ESA establishes the state's policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The California ESA mandates that state agencies not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no state agency consultation procedures under the California ESA. For projects that affect both a state and federal listed species, compliance with the federal ESA will satisfy the California ESA if the CDFW determines that the federal incidental take authorization is "consistent" with the California ESA under Fish and Game Code Section 2080.1. For projects that will result in a take of a state-only listed species, the project proponent must apply for a take permit under Section 2081(b).

State Water Resources Control Board/Regional Water Quality Control Board

For Waters of the State that are federally regulated under the Clean Water Act, the State Water Resources Control Board (through its RWQCBs) must provide state water quality certification pursuant to CWA Section 401 for activities requiring a federal permit or license that may result in discharge of pollutants into Waters of the United States. Where no federal jurisdiction exists over Waters of the State, the State Water Resources Control Board (through its RWQCBs) retains regulatory authority to protect water quality through provisions of the Porter-Cologne Water Quality Control Act through application for or waiver of waste discharge requirements.

California Fish and Game Code

Native Plant Protection Act

The Native Plant Protection Act (FGC Sections 1900–1913) prohibits the take, possession, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception in the act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give that State agency at least 10 days to retrieve the plants before they are plowed under or otherwise destroyed (FGC Section 1913). Impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of a proposed project.

Birds of Prey

Under FGC Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by various federal, state, and local conservation plans, policies, or regulations. The CDFW ranks sensitive communities as threatened or very threatened and keeps records of their occurrences in the California Natural Diversity Database. The CDFW also identifies sensitive vegetation communities on its List of California Natural Communities Recognized by the CNDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by federal or state agencies, must be considered and evaluated under CEQA.

Species of Special Concern

Species of special concern are broadly defined as animals not listed under the California ESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for listing under the California ESA and recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species and to focus research and management attention on them. Although these species generally

have no special legal status, they are given special consideration under CEQA during project review. Species of special concern are included in the list of Special Animals List tracked by the CNDDB.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act defines waters of the State as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCBs protect all waters in their regulatory scope, but have special responsibility for isolated wetlands and headwaters. These water bodies have high resource value, are vulnerable to filling, and may not be regulated by other programs, such as CWA Section 404. The RWQCBs regulate waters of the State under the Water Quality Certification Program, which regulates discharges of dredged and fill material under CWA Section 401 and the Porter-Cologne Water Quality Control Act.

Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but involves activities that may result in a discharge of harmful substances to waters of the State, the applicable RWQCB has the option to regulate such activities under its state authority in the form of waste discharge requirements or certification of waste discharge requirements.

Lake and Streambed Alteration Program

FGC Section 1602 requires any person, state, or local governmental agency to notify the CDFW prior to initiating any activity that would: (1) divert or obstruct the natural flow of or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or (2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Natural Community Conservation Planning Act

The Natural Community Conservation Planning Act (1991) is aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses. The CDFW is primarily responsible for implementation of the act, which is intended to allow comprehensive protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development.

California Native Plant Society Rare or Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under state or federal endangered species legislation, are defined as follows:

- List 1B: Plants rare, threatened, or endangered in California and elsewhere
- List 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3: Plants about which more information is needed (a review list)
- List 4: Plants of limited distribution (a watch list)

Local

Multiple Habitat Conservation Program

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in northern San Diego County. Implementation of the regional preserve system is intended to protect viable populations of key sensitive plant and animal species and their habitats while accommodating continued economic development and quality of life for residents of the North County region. The MHCP is one of several large multiple-jurisdictional habitats planning efforts in San Diego County, each of which constitutes a subregional plan under the California Natural Community Conservation Planning Act of 1991. The MHCP includes seven incorporated cities in northwestern San Diego County: Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. These jurisdictions will implement their respective portions of the MHCP through "subarea" plans, which describe the specific implementing mechanisms each city will institute for the MHCP. The goal of the MHCP is to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46 percent) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species.

City of Encinitas Draft Subarea Plan

The City's Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the MHCP framework. The Draft Subarea Plan would provide regulatory certainty to landowners in the City and aid in conserving the region's biodiversity and enhancing the quality of life. The Draft Subarea Plan addresses potential impacts to natural habitats and rare, threatened, or endangered species caused by development planned within the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which

act as legally binding agreements between the City and the wildlife agencies that ensure implementation of the Subarea Plan and provide the City with state and federal take authority.

City of Encinitas General Plan

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

Resource Management Element

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

Policy 3.1 Mature Trees of community significance cannot be removed without City authorization.

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

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

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

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other than manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of

roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible.

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

- Conservation of as much existing contiguous area of Coastal Mixed Chaparral or Coastal Sage Scrub as feasible while protecting the remaining areas from highly impacting uses;
- Minimize fragmentation or separation of existing contiguous natural areas;
- Connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors;
- Maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
- Where appropriate, based on community character and design, clustering of residential or other uses near edges of the natural areas rather than dispersing such uses within the natural areas;
- Where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them;
- Conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity;
- Design of development, with adjacent uses given consideration, to maximize conformance to these guidelines; and
- Preservation of rare and endangered species on site rather than by transplantation off-site.

Policy 10.6: The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of

Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

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

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

- Incidental public service projects.
- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- Restoration purposes.
- Nature study, aquaculture, or other similar resource dependent activities.

Identification of wetland acreage and resource value shall precede any consideration of use or development on sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal EPA 404(b) (1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland intrusion or impact shall be preferred over alternatives which involve intrusion or impact. Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through the creation of new wetland of the same type lost, at a ratio determined

by regulatory agencies with authority over wetland resources, but in any case, at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.

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

City of Encinitas General Plan Housing Element 2019

In March 2019, the City Council adopted the General Plan Housing Element Update (HEU), which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The Housing Element Update 2019 includes the 2013–2021 HEU and a series of discretionary actions to update and implement the City's Housing Element. The City received Local Coastal Program Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the California Department of Housing and Community Development in October 2019. Relevant policies and goals related to biological resources are provided below:

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

Policy 2.4: Coordinate the provision of open areas in adjoining residential developments to maximize the benefit of the open space.

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

Policy 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

IMPACT ANALYSIS AND MITIGATION MEASURES

An evaluation of the significance of potential impacts on biological resources must consider both direct effects to the resource and indirect effects in a local or regional context. Potentially significant impacts would generally result in the loss of a biological resource or obviously conflict with local, state, or federal agency conservation plans, goals, policies, or regulations. Actions that would potentially result in a significant impact locally may not be considered significant under CEQA if the action would not substantially affect the resource on a population-wide or region-wide basis.

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact on biological resources if it would do any of the following:

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

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

3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

6. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

PROJECT IMPACTS AND MITIGATION

HAVE A SUBSTANTIAL ADVERSE EFFECT ON CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES

Impact 3.3-1	**The project would have a potentially adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.**

As discussed in the Existing Conditions subsection above, and shown in Figure 2.0-2, Project Vicinity Map, no candidate, sensitive, or special-status species were observed or recorded on the project site. As such, it is not reasonably foreseeable that the proposed project would result in any direct effects to special-status species. Additionally, due to the lack of sensitive habitat on-site, the proposed project would not result in any direct impacts on sensitive habitat from clearing or grading activities. It should be noted that, once grading of the site is completed, vertical construction (i.e., residential units, restaurant, etc.) would occur a minimum of 350 feet from the edge of the Magdalena Ecke Open Space Preserve, and would be buffered by the proposed on-site organic farm, water quality basins, and a community trail and fence (refer to Figure 2.0-5, Conceptual Site Plan).

However, migratory bird and raptors have the potential to nest and forage on and around the subject property due to the presence of on-site trees and natural open space that abuts the northern property boundary. As such, the potential for project construction activities to indirectly affect migratory bird or raptor nesting cycles within and adjacent to the project site does exist. Such impacts would be considered potentially significant.

Mitigation measure **BIO-1** would require the project applicant to conduct a preconstruction survey for migratory birds and raptors prior to the initiation of grading activities if they are to occur during the breeding season (January 15th to August 31st). If active nests are identified in the construction area plus a 300-foot buffer, buffers would be established limiting construction activities within those areas. Impacts to migratory birds and raptors would be less than significant with implementation of mitigation measure **BIO-1**.

Additionally, there is a high potential for the coastal California gnatcatcher to occur on land north of the project site in the natural open space area. The coastal California gnatcatcher is listed as threatened by the USFWS and has been recorded in the Magdalena Ecke Open Space Preserve. Due to the close proximity of suitable habitat, it is possible that project construction activities could indirectly affect the species (Appendix D-1). Such impacts would be considered potentially

significant. Therefore, mitigation measure **BIO-2** shall be implemented that requires a biologist knowledgeable of gnatcatcher biology and ecology to perform a minimum of three focused surveys to determine the presence of gnatcatchers, nest building activities, egg incubation activities, or brood-rearing activities within a minimum of 300 feet of the project impact limits during the gnatcatcher breeding season. With implementation of mitigation measure **BIO-2**, impacts to California gnatcatcher would be reduced to a less than significant level.

Implementation of mitigation measures **BIO-1** and **BIO-2** would reduce the potential for the project to 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 CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

BIO-1 **Pre-Construction General Nesting Bird Surveys and Protocols.** If clearing, grubbing, or other construction activities (for example, but not limited to, staging, site preparation, grading) occurs within the nesting season (January 15 to August 31), the following measures shall be implemented to address potential construction-period impacts to migratory birds and raptors:

- Prior to the start of vegetation removal and/or construction activities within 300 feet of the Magdalena Ecke Open Space Preserve, a qualified biologist shall perform focused surveys within 72 hours prior to the commencement of construction activities. The survey areas shall include the construction area plus a 300-foot buffer. Survey findings shall be submitted to the City for review and approval prior to the initiation of any construction activities.

- If active nests are found during the nesting bird survey, appropriately sized no-work buffers (generally 50 to 300 feet depending on species sensitivity) shall be established around the active nests identified within and adjacent to the project site. The qualified biologist, in consultation with the City, shall determine the appropriate buffer size and level of nest monitoring necessary for species not listed under the federal or state Endangered Species Act based on the species' life history, the species' sensitivity to disturbances (e.g., noise, vibration, human activity), individual behavior, status of nest, location of nest and site conditions, presence of screening vegetation, anticipated project activities, ambient noise levels compared to project-related noise levels, existing non-project-related disturbances in

vicinity, and ambient levels of human activity. Buffers shall be marked (flagged or fenced with Environmentally Sensitive Area fencing) around any active nests and periodic monitoring by the qualified biologist shall occur to ensure the project does not result in the failure of the nest. The buffer(s) shall be maintained around each nest until the nest becomes inactive as determined by the qualified biologist. At the discretion of the qualified biologist, if a nesting bird appears to be stressed as a result of project activities and the buffer does not appear to provide adequate protection, additional minimization measures shall be implemented. Buffer sizes may be adjusted (either increased or reduced), or the extent of nest monitoring may be adjusted, at the discretion of the qualified biologist based on the conditions of the surrounding area and/or the behavior of the nesting bird. Any changes to buffer sizes and/or nest monitoring frequency shall be documented.

- If active nests are found and delineated by the buffers, construction activities may continue outside of the biological buffers.
- The qualified biologist shall have the following responsibilities: ensure that restricted activities occur outside of the delineated buffers, check nesting birds for any potential indications of stress, and ensure that installed fencing or flagging is properly maintained during nest monitoring and any additional site visits.

BIO-2 **Pre-Construction Coastal California Gnatcatcher Surveys and Protocols.** If clearing, grubbing, or other construction activities occur within the California gnatcatcher nesting season (February 15 to August 31), the following measures shall be implemented to address potential construction-period impacts to the coastal California gnatcatcher that may occupy native habitats adjacent to the construction area in the Magdalena Ecke Open Space Preserve:

- Prior to the initiation of construction activities within 300 feet of habitat that could support gnatcatchers, a biologist with necessary permits to conduct California gnatcatcher surveys shall perform a minimum of three focused surveys, on separate days, to determine the presence of active gnatcatcher nests within a minimum of 300 feet of project construction activity proposed during the gnatcatcher breeding season. The biologist shall conduct two surveys a maximum of seven days prior to vegetation disturbance or project construction and one survey the day immediately prior to the initiation of work. Survey findings shall be submitted to the

City for review and approval prior to the initiation of any construction activities.

- If a gnatcatcher nest is found in or within 300 feet of initial vegetation disturbance or project construction, additional coordination with the United States Fish and Wildlife Services shall occur prior to construction and within 48 hours of the discovery to determine what additional measures would need to be implemented, if any, to avoid "take" of the species. Similar protocols for other federal or state listed bird species may need to be implemented, based on finding of the biological surveys.

Level of Significance: Less than significant with mitigation incorporated.

HAVE A SUBSTANTIAL ADVERSE EFFECT ON RIPARIAN HABITAT

Impact 3.3-2	**The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant.**

The project site is heavily disturbed and located in an urbanized area. No riparian habitat exists on-site and, due to the existing development on the project site, intact vegetation communities are not present. As such, the land use type of the project site is classified as urban/developed, which is not considered to be a sensitive natural community (refer to Figure 2.0-2, Project Vicinity Map).

Additionally, surrounding lands consist of urban/developed lands to the west, south, and east, with some areas of eucalyptus woodland, Diegan coastal sage scrub, and grassland vegetation communities (i.e., to the north). Although surrounding areas may contain limited sensitive natural communities, it is unlikely that these species would occur on-site or move to the site, due to the current and proposed land uses. Furthermore, CDFW or USFWS critical habitats for special-status plants are not mapped within or adjacent to the project area (Appendix D-1).

Therefore, the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Have a Substantial Adverse Effect on Wetlands

Impact 3.3-3	**The project would not have a potentially substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impacts would be less than significant.**

The project site does not support any state or federally protected wetlands (i.e., marsh, vernal pool, or coastal). There are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption during the project construction phase.

As indicated in Section 3.8, Hydrology and Water Quality, of this EIR, stormwater runoff would be treated and stored on-site via several biofiltration basins, prior to being conveyed to storm drain systems within Sidonia Street or Quail Gardens Drive (refer to Figure 3.8-2, Post-Development Hydrology Node Map). Runoff from the site would therefore not adversely affect any off-site wetlands or waterbodies located on adjacent lands.

Therefore, the proposed project would not have a potentially substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Interfere Substantially with the Movement of Any Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory Wildlife Corridors

Impact 3.3-4	**The project would have the potential to interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Impacts would be less than significant with mitigation incorporated.**

The project site is disturbed and does not support suitable habitat or water bodies for migratory species. The City's Draft MHCP Subarea Plan identifies Wildlife Corridor Planning Zones in the Encinitas subarea. However, the project site is not located within any identified corridors. In addition, the proposed project would not impede the use of any native wildlife nursery sites, as none exist in the surrounding area.

However, migratory bird and raptors have the potential to nest and forage on-site due to the presence of on-site trees and Magdalena Ecke Open Space Preserve located to the north of the project site. Therefore, mitigation measures are proposed to remove the potential for the project to adversely affect migratory bird and raptor nesting cycles within or adjacent to the property. Mitigation measure **BIO-1** would require the project applicant to conduct a preconstruction survey for migratory birds and raptors prior to the initiation of grading activities if they are to occur during the breeding season (January 15th to August 31st). If active nests are identified on-site or in the immediate vicinity, buffers would be established limiting construction activities within those areas. Impacts to migratory birds and raptors would be less than significant with implementation of mitigation measure **BIO-1**.

Mitigation measure **BIO-2** requires a biologist knowledgeable of gnatcatcher biology and ecology to perform a minimum of three focused surveys to determine the presence of gnatcatchers, nest building activities, egg incubation activities, or brood-rearing activities if construction occurs within gnatcatcher breeding season (February 15 to August 31). Impacts to California gnatcatcher would be less than significant with implementation of mitigation measure **BIO-2**.

Therefore, the project would have limited potential to indirectly interfere with the movement of native resident or migratory fish or wildlife species, or with any established native resident or migratory wildlife corridors. With implementation of mitigation measure **BIO-1** and **BIO-2**, impacts would be **less than significant**.

Mitigation Measures: Implement mitigation measures **BIO-1** and **BIO-2.**

Level of Significance: Less than significant with mitigation incorporated.

CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES

Impact 3.3-5	**The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be less than significant.**

The planting, maintenance, and removal of public and mature trees within the public right-of-way or on public property are regulated by the City's General Plan Resource Management Element (Policies 3.1, 3.2, and 3.6) and Chapter 15.02 of the City's Municipal Code. As stated under Policy 3.1, mature trees of community significance cannot be removed without City authorization.

Due to the disturbed nature of the site, the proposed project would not involve the removal of mature trees or other sensitive vegetation types. The project site contains ornamental landscape trees and shrubs that are not protected under local policies or ordinances (Appendix D-1).

However, the proposed project has the potential to impact trees within the City right of way along Leucadia Boulevard within an existing landscape maintenance zone, as well as trees along Quail Gardens Drive. A Tree Survey (Appendix D-2) has been prepared for the proposed project documenting these trees, and the proposed project would be required to comply with the City's Tree Preservation Ordinance.

On January 23, 2020, a tree inspection was conducted to determine the conditions of the trees on the project site and right-of-way. Data collected during the inspection include tree identification number, botanical name, common name, height in feet, canopy spread in feet, the diameter of tree trunk at breast height (DBH) in inches, tree condition and any relevant additional findings. Based on the overall health, structure, and form of the tree, the condition of each tree was rated between 0-5, where 0 is the poorest condition and 5 is the best condition rating.

Approximately 32 street trees along Leucadia Boulevard and Quail Gardens Drive would be removed as part of the project. However, the proposed project would replant approximately 30 trees along Leucadia Boulevard and 5 trees along Quail Gardens Drive which would fully mitigate the loss of trees in the right-of-way (refer to Figure 2.0-12a, Conceptual Landscape Plan). The replanting and maintenance of the trees in the right-of-way would comply with the regulations and policies established in the City's General Plan Resource Management Element and Municipal Code.

With regulatory compliance, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts would be considered **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan

Impact 3.3-6	**The project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be less than significant.**

The project site is located in an urbanized area where surrounding lands are largely built out, with exception of the Magdalena Ecke Open Space Preserve which borders the site along the entire northern property boundary. The project site is not located within the boundaries of the City of Encinitas Draft MHCP Subarea Plan. No sensitive species have been documented on the

project site due to the lack of suitable habitat and current level of disturbance, and no wetlands or riparian habitat are present on-site. Therefore, development of the site as proposed would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.3-7	**The project would not have the potential to result in a significant cumulative impact related to biological resources. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project, and that are included in the analysis of cumulative impacts relative to biological resources, are identified in Table 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. Generally, in instances where a potential impact could occur, the CDFW and the USFWS have promulgated regulatory procedures that limit impacts to sensitive habitat and wildlife species. It is anticipated that potential effects of cumulative projects considered would be rendered less than significant through mitigation requiring compliance with applicable regulations that protect plant, fish, and animal species, as well as waters of the United States and waters of the State. Other cumulative projects in the study area would also be required to avoid impacts to special-status species and/or mitigate to the satisfaction of the CDFW and USFWS, as applicable, for any potential loss of habitat.

Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects and conservatively assumes the remaining 12 HEU sites (those sites other than the proposed project and the two HEU sites currently being processed) would apply the density bonus allowance to achieve a maximum density of residential units (see Table 3.0-2).

Potential Cumulative Impact

Encinitas is an urbanized city surrounded by other urbanized cities. The protection of biological resources in the City is generally enforced through the City of Encinitas Draft MHCP Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and

sensitive plant and wildlife species under the larger MHCP framework. As stated under Impact 3.3-6, the project site is not located within the boundaries of the Draft Subarea Plan or an area identified as a migratory wildlife corridor. Furthermore, no other sensitive species have been documented on the project site due to the lack of suitable habitat and level of disturbance, and no wetlands or riparian habitat are present.

Cumulative projects located within the City's Draft Subarea Plan area would be subject to the goals and policies outlined in the plan, and would be required to implement mitigation measures if a significant impact would occur as a result of project implementation. As such, direct and indirect effects to special-status species would be evaluated on a case-by-case basis. Furthermore, none of the cumulative projects identified in Table 3.0-1 or Table 3.0-2 are located within the boundaries of City Draft Subarea Plan Preserve.

Project impacts would be limited to indirect construction impacts on migratory avian species and potentially California gnatcatcher (if determined to be present in the adjacent Magdalena Ecke Open Space Preserve to the north of the site). Impacts would be reduced to less significant with implementation of mitigation measures **BIO-1** and **BIO-2**. Therefore, with implementation of the mitigation measures proposed, the proposed project's contribution to a cumulative impact on biological resources would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **BIO-1** and **BIO-2**.

Level of Significance: Less than cumulatively considerable.

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. By statute, CEQA is primarily concerned with two classes of cultural resources: "historical resources," which are defined in Public Resources Code (PRC) Section 21084.1 and CEQA Guidelines Section 15064.5; and "unique archaeological resources," which are defined in PRC Section 21083.2 This section addresses the proposed project's potential impacts in relation to historical and archaeological resources. Project impacts to tribal cultural resources are evaluated in Section 3.13 of this EIR.

The analysis in this section is based on the *Cultural Resources Inventory and Evaluation Report* (2020b) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International and the City of Encinitas. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted (Appendix E). The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, along a previously graded coastal ridge within a highly developed, suburban neighborhood setting. The site lies approximately 1.4 miles east of the Pacific Ocean and 1.4 miles south of Batiquitos Lagoon. On-site elevations range from approximately 300 to 320 feet above mean sea level. The project site is located on a ridge just to the south of a natural drainage.

The underlying geology of the project area has been mapped as very old paralic deposits, Units 10 and 11, dated back to the Early to Middle Pleistocene (2.588–0.126 Ma).[1] Native on-site soils are described as poorly sorted, moderately permeable, reddish-brown, interfingered strandline, beach, estuarine, and colluvial deposits composed of siltstone, sandstone, and conglomerate (ECORP 2020b). These geological deposits are typical of near-coastal ridges and bluffs in San Diego County, whereas the older stratigraphy of the Santiago Formation (Middle Eocene 47.8–37.8 Ma) may be found in the drainage below the ridge.

The potential for buried pre-contact archaeological sites are considered based on proximity to the Pacific Ocean. Additionally, the region is recognized to have been in regular use by Native

[1] Paralic: Formed in, occurring in, or inhabiting shallow water near the sea; ma: megaannum, or one million years.

Americans for thousands of years. Archaeological sites have been identified along perennial and intermittent waterways in the region such as the drainage to the north of the project site.

Cultural Resources Inventory Results

Records Search

The area of potential effect (APE) represents the area that would be affected by project development, and; therefore, could be subject to potential direct or indirect impacts on cultural resources if such resources are determined to be present. The boundaries of the APE analyzed include areas proposed for construction, vegetation removal, grading, trenching, stockpiling, staging, paving, and other such disturbance.

A records search was conducted in February 2020 for the APE and a surrounding 1-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University.

The CHRIS records search determined that 21 previously recorded cultural resources are located within one mile of the project area (ECORP 2020b). Resources comprise a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic tools, and ceramic potsherds; two historic-period houses and a trash deposit; and a pre-contact habitation site and a historic-period farmstead. No previously recorded resources are located within the project area. Additionally, no properties eligible for or listed on the National Register of Historic Places (NRHP) were identified within the project APE (ECORP 2020b).

Field Survey Results

A site survey was conducted in early March 2020. During the survey, it was noted that the majority of the project area was currently developed with artificial paving and other modern permanent structures and modern built environment features that obscure any native soils or surfaces. The project site currently supports commercial greenhouse operations, flower processing stations, and other appurtenant features; refer to Figure 2.0-2, Project Vicinity Map. Visibility of open areas on-site was good (approximately 80 to 100 percent); however, these areas consisted of paved roadways, graded dirt roads, and artificial dirt drainages within the property. Additionally, visible soils are either imported fill or highly disturbed local material that has been graded or transported to the project site.

No archaeological resources were identified as a result of the field survey; however, two historic-period cultural resources were identified during the survey. Resource FPF-001 is an historic-period Craftsman house located in the southwestern portion of the site; FPF-002 is a portion of

Leucadia Boulevard that falls within the boundaries of the project site, extending east–west along the southern boundary. Additionally, there is the potential that previously recorded resources on the site may have been obscured by pavement or other materials over the years.

FPF-001: Historic-Period Craftsman House

The Ecke family historically owned the project site and harvested poinsettias in the Los Angeles area beginning in the 1900s. The on-site historic-period residence (house and garage) is constructed in the Craftsman style and was moved to its current location on the project site in the mid-1950s from a lot near downtown Encinitas by the Ecke family. Several additions were made to the house over time (ECORP 2020b).

Evaluation of the house determined that the structure does not contribute in a significant way to an event in local or regional history, or any historical context in the community or region; is not associated with the lives of persons significant in the past; does not exhibit architectural distinction; and does not have the potential to yield information important in history (ECORP 2020b). Therefore, the resource was determined to be ineligible for listing under the NRHP or California Register of Historic Resources (CRHR) criteria (ECORP 2020b). Refer to Appendix E.

FPF-002: Leucadia Boulevard (Woodley Road)

Resource FPF-002 is an historic-period road alignment (present-day Leucadia Boulevard). Under current conditions, the road is a four-lane paved roadway running east–west along the southern project boundary. Historically the road was known as Woodley Road. Based on available data, the road was likely constructed in the late 1940s with improvements made over several decades through the 1990s.

The road, as it was originally, (including its years of maintenance and changes) and as it exists presently, does not have any significant historical associations and its historical use, construction, improvement, and maintenance is typical among roadways. Through evaluation, it was determined that the resource is not associated with any specific historic event or activity; does not demonstrate any association with the lives of persons significant in history; does not embody any distinctive characteristics of a type, period, or method of road construction; does not possess any artistic value; and does not possess the potential to yield any additional information regarding the relationship or functionality of roads or provide information that is not already represented in the archival record. Therefore, the resource is not eligible for listing under NRHP or CRHR criterion (ECORP 2020b).

REGULATORY FRAMEWORK

Federal

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological sites and resources that are on Native American lands or federal lands.

Section 106 of the National Historic Preservation Act

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The council's implementing regulations, Protection of Historic Properties, are found in 36 Code of Federal Regulations (CFR) Section 800. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the NRHP. The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal funding.

National Register of Historic Places

The NRHP is "an authoritative guide to be used by federal, State, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." However, the federal regulations explicitly provide that a listing of private property on the NRHP "does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property."

Historic properties, as defined by the Advisory Council on Historic Preservation, include any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior" (36 CFR Section 800.16[I][1]). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the National Historic Preservation Act:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

b) That are associated with the lives of persons significant in our past; or

c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

State

State historic preservation regulations affecting the proposed project include the statutes and guidelines contained in CEQA, PRC Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A historical resource includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant (PRC Section 5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including the following:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;
- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the technical advice series produced by the Governor's Office of Planning and Research. This technical advice series strongly

recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Register of Historical Resources

AB 2881 was signed into law in 1992, establishing the CRHR. The CRHR is an authoritative guide in California used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based on NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

The California Office of Historic Preservation has broad authority under federal and state law for the implementation of historic preservation programs in California. The State Historic Preservation Officer makes determinations of eligibility for listing on the NRHP and the CRHR.

The appropriate standard for evaluating "substantial adverse effect" is defined in PRC Sections 5020.1(q) and 21084.1. Substantial adverse effect means demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archaeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under the CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project area activities. Activities that could potentially result in a significant impact include demolition, replacement, substantial alteration, and relocation of the resource. The significance of a resource is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with CEQA Guidelines are:

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.
- Evaluate the effects of a project on all cultural resources.

- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

GC Sections 6253, 6254, and 6254.10 authorize state agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; GC Section 6250 et seq.) and California's open meeting laws (the Brown Act, GC Section 54950 et seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any state or local agency to deny a CPRA request and withhold from public disclosure:

> *Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency (GC Section 6254(r)); and*
>
> *Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency (GC Section 6254.10).*

Likewise, the CHRIS Information Centers prohibit public dissemination of records and site location information. In compliance with these requirements and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-federal land in California is also required to comply with state laws pertaining to the inadvertent discovery of Native American human remains.

<u>California Health and Safety Code Sections 7050.5, 7051, and 7054</u>

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local

City of Encinitas General Plan

Resource Management Element

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

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

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

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

Policy 7.2: Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

PROJECT IMPACTS AND MITIGATION

HISTORICAL RESOURCES

Impact 3.4-1	**The project would have the potential to cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As noted above, based on the field survey, two cultural historical resources were recorded: FPF-001, a historic-period residence located at the southwestern corner of the project area and FPF-002, a historic-period road which is a segment of Leucadia Boulevard (previously Woodley Road) that forms the southern boundary of the project site. ECORP used archival research to evaluate the two historic-period resources using NRHP and CRHR eligibility criteria and found both resources not eligible for listing. Therefore, resources FPF-001 and FPF-002 are not considered historical resources under CEQA. Development of the project site as proposed would not cause a substantial adverse change in the significance of a known historical resource pursuant to CEQA Guidelines Section 15064.5. No impact would occur.

There is the potential that unknown resources on the site may have been obscured by pavement or other materials over the years. Therefore, the potential exists for unknown historic resources or properties to be present and project construction activities may potentially impact unknown historical sites within the project APE. Mitigation measures **CR-1** to **CR-3** would be required to reduce project effects on such unknown historic resources. Therefore, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

CR-1 **Cultural Resources Monitoring Program.** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (San Luis Rey Band of Mission Indians) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the San Luis Rey Band of Mission Indians ("San Luis Rey Band"). Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan.

- The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.

- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2 **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3 **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If

such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

ARCHAEOLOGICAL RESOURCES

Impact 3.4-2	**The project would have the potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant with mitigation incorporated.**

As stated above, a records search was conducted in February 2020 for the APE and a surrounding 1-mile radius at the SCIC, and a site survey was conducted in early March 2020. The CHRIS records search determined that 21 previously recorded cultural resources are located within one mile of the project area; however, no significant archaeological resources were identified on-site from the records search, Sacred Lands search, or field survey. No known resources have been identified on-site that would be eligible for listing under NRHP or CRHR criteria. Therefore, the proposed project would not directly cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines Section 15064.5.

The region is recognized to have been in regular use by Native Americans for thousands of years. The potential for buried pre-contact archaeological sites are considered based on proximity to the Pacific Ocean. Additionally, archaeological sites have been identified along perennial and intermittent waterways in the region such as the drainage to the north of the project site. Surface sediments along the northern edge of the site consist of Holocene surficial sediments atop earlier geological formations. Pre-contact archaeological deposits have been previously identified and documented within these strata. Due to the presence of sediments associated with human

occupation of the region and the presence of previously recorded pre-contact resources in the surrounding area, the potential for subsurface resources is considered moderate to high.

Therefore, a potentially significant impact to unknown archaeological resources may occur from subsurface construction disturbances (i.e. trenching, excavation, grading) associated with the proposed project. To ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, archaeological and Native American monitoring is required (**CR-1** and **CR-2**).

The magnitude of potential project impacts is unknown because any undiscovered archaeological resources are located underground and, therefore, cannot be readily evaluated. Mitigation measures **CR-1** and **CR-2** would be implemented to address the recovery of any unknown cultural resources in the event such resources are encountered during project construction. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: Implement mitigation measures **CR-1** and **CR-2**.

Level of Significance: Less than significant with mitigation incorporated.

HUMAN REMAINS

Impact 3.4-3	**The project would have the potential to disturb human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with mitigation incorporated.**

No known cemeteries are located on-site and no such resources were identified during the records searches, consultation efforts, or field survey; refer also to Section 3.13, Tribal Cultural Resources. As stated, due to the presence of sediments concurrent with human occupation of the region and the presence of previously recorded pre-contact resources in the surrounding area, the potential for subsurface resources is considered moderate to high.

Additionally, the project vicinity has the potential to support buried pre-contact archaeological sites due to proximity to the Pacific Ocean and recognized regular use by Native Americans for thousands of years. The drainage that exists to the north of the site also contributes to this potential due to the likelihood of pre-contact archaeological sites located along perennial and intermittent waterways in the region.

The proposed project would comply with regulatory requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097.

Therefore, although no known human remains have been identified on-site, the potential for project ground-disturbing activities to result in impacts to unknown resources does exist. Implementation of mitigation measure **CR-3** would reduce impacts on unknown human remains to less than significant. Potential construction impacts on human remains would be reduced to **less than significant with mitigation incorporated.**

Mitigation Measure: Implement mitigation measure **CR-3.**

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.4-4	**The project would have the potential to result in a significant cumulative impact related to historical or archaeological resources or human remains. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in Table 3-1 and Figure 3.0-1 in Section 3.0 of this EIR. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Urban development over past decades in San Diego County has resulted in adverse impacts on cultural resources. However, the adoption of state and federal laws related to cultural resources, have provided a mechanism to address potential impacts of development activities on known and/or unknown cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to cultural resources. Federal, state, and local laws protect cultural resources in most instances, but they are not always feasible, particularly when in-place preservation may complicate or prevent the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

No known cultural resources of significance or human remains have been documented on the project site, and; therefore, no such known resources would be affected by development of the proposed project. However, construction activities resulting from the proposed project would include grading and excavation in previously disturbed areas, which may have the potential to

result in the encounter of undiscovered subsurface resources. Implementation of the proposed project could contribute to potential cumulative impacts on cultural resources, including unknown archaeological and historic resources, as well as unknown buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, cultural resources throughout the region over time. However, there are federal, state, and local laws designed to protect such resources. These laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

Mitigation measures **CR-1** to **CR-3** address the discovery and recovery of unknown archaeological and historical resources through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a find. Mitigation measures **CR-1** to **CR-3** would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant.

Similarly, with conformance to applicable federal, state, and local regulations, combined with the evaluation of resource significance and implementation of mitigation measures in compliance with applicable legislation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on historical and cultural resources and/or human remains would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3**. Further the proposed project and cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. Therefore, the proposed project's contribution to cumulative impacts on cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

Level of Significance: Less than cumulatively considerable.

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Section 3.5
Energy Conservation and Climate Change

This section evaluates greenhouse gas (GHG) emissions and energy consumption associated with the proposed project and analyzes the project's consistency with applicable plans and policies. This section is based on technical data presented in the *Greenhouse Gas Assessment* prepared by LDN Consulting, Inc. (2020b; see Appendix F). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Climate Change

Climate change is a distinct change in average meteorological conditions with respect to temperature, precipitation, and storms. Climate change can result from both natural processes and human activities. Natural changes in the climate result from very small variations in the earth's orbit which change the amount of solar energy the planet receives. Human activities can affect the climate by emitting heat-absorbing gases into the atmosphere and by making changes to the planet's surface, such as deforestation and agriculture. The following impacts to California from climate change have been identified:

- Higher temperatures, particularly in the summer and in inland areas;
- More frequent and more severe extreme heat events;
- Reduced precipitation, and a greater proportion of precipitation falling as rain rather than snow;
- Increased frequency of drought conditions;
- Rising sea levels;
- Ocean water becoming more acidic, harming shellfish and other ocean species; and
- Changes in wind patterns.

These direct effects of climate change may in turn have a number of other impacts, including increases in the number and intensity of wildfires, coastal erosion, reduced water supplies, threats to agriculture, and the spread of insect-borne diseases.

Greenhouse Gas

GHGs are naturally present in the earth's atmosphere and play a critical role in maintaining the planet's temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a threefold process as follows: shortwave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of long-wave radiation; and GHGs in the upper atmosphere absorb this long-wave radiation and re-emit it in all directions, with some radiation heading out into space and some heading back toward the earth. This "trapping" of the long-wave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect. Without the presence of GHGs, the earth's average temperature would be approximately zero degrees Fahrenheit.

Parts of the earth's atmosphere act as an insulating blanket, trapping sufficient solar energy to keep the global average temperature within a range suitable for human habitation. The blanket is a collection of atmospheric gases called greenhouse gases because they trap heat similar to the effect of glass walls in a greenhouse. These gases, mainly water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), ozone, and chlorofluorocarbons, all act as effective global insulators, reflecting infrared radiation back to the earth. Human activities, such as producing electricity and driving internal combustion vehicles, emit these gases into the atmosphere.

GHG are unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, it is understood by scientists who study atmospheric chemistry that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration.

Energy

<u>Electricity</u>

Electricity usage in California for different land uses varies substantially by the types of uses in a building, types of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Electricity in the state is predominantly provided by renewable resources, such as solar, wind, geothermal, and hydroelectric. In 2018, renewable resources supplied approximately 50 percent of the in-state electricity generation while natural gas-fired power plants provided approximately

40 percent and nuclear provided less than 10 percent. Given the size and population of the state, California is still one of the largest importers of energy in the nation, as approximately 30 percent of the state's electricity supply came from generating facilities outside the state in 2018. As such, almost all the coal-fueled electricity generation consumed in the state was imported (approximately 4 percent of state's power supply) (EIA 2020).

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.4 million electric meters located in a 4,100-square-mile service area that includes San Diego County (County) and southern Orange County. SDG&E is a subsidiary of Sempra Energy (SDG&E 2020) and would provide electricity to the proposed project. SDG&E receives electric power from a variety of sources. According to the California Public Utilities Commission (CPUC) 2019 California *Renewables Portfolio Standard (RPS) Annual Report*, 44 percent of SDG&E's power came from eligible renewable energy sources (CPUC 2019). Refer to Table 3.5-1 to see SDG&E's distribution of renewable resources. In the County, the average annual residential electricity use per home decreased by about 2 percent (5,599 kilowatt hours [kWh] to 5,493 kWh) from 2017 to 2018 (USD 2020).

Table 3.5-1 Portfolio Percentages for SDG&E 2018 RPS

Biopower	Geothermal	Solar PV	Wind	Hydro	Solar Thermal
5%	0%	48%	49%	0%	0%

Source: CPUC 2019
Notes: Values exceed 100% due to rounding.

Renewable Energy

In 2018, California ranked first in the nation electricity generated from solar, geothermal, and biomass energy, fourth in hydroelectric power, and fifth in wind energy. By the end of 2018, California had about 12,000 megawatts of utility-scale solar power capacity and 20,000 megawatts of installed solar capacity. Geothermal resources in the state, approximately 2,730 megawatts of capacity, account for almost 75 percent of the nation's utility-scale electricity generation from geothermal energy. The state has over 30 power plants fueled by biomass (wood and wood waste), which leads the nation in energy generation. At the end of 2019, the state had more than 5,800 megawatts of installed wind capacity (EIA 2020).

Natural Gas

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. SDG&E provides natural gas service to the Counties of San Diego and Orange and would provide natural gas to the proposed project.

SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2017).

The majority of California's natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 32 percent of the natural gas delivered by California utilities in 2012. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 68 percent of the natural gas delivered by California utilities in 2012 (CPUC 2017).

Petroleum

As of 2018, the state ranked fifth largest in U.S. crude oil reserves and seventh largest producer of crude oil in the nation. However, the state's overall crude oil production has steadily declined during the past 30 years. Due to its large size and population, California is the second-largest consumer of petroleum products and the largest consumer of motor gasoline and jet fuel in the nation. Almost 90 percent of the petroleum consumed in the state is used in the transportation sector (EIA 2020).

However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. As such, the state has implemented various policies and incentives to increase the use of non-carbon-emitting vehicles and decrease vehicle miles traveled (VMT). In 2018, the state had 500,000 registered electric and plug-in hybrid vehicles and nearly one-fourth of the nation's electric vehicle charging stations (EIA 2020).

At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, and reduce transportation-source air pollutants, GHG emissions, and VMT. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible.

REGULATORY FRAMEWORK

Federal

Greenhouse Gas Emissions

To date, no national GHG reduction targets or climate plans have been adopted that would apply to the proposed project or the City of Encinitas.

Energy Conservation

Federal Energy Policy and Conservation Act

In response to the 1973 oil crisis, Congress enacted the Energy Policy and Conservation Act (EPCA) of 1975, which established the first fuel economy standards for on-road motor vehicles in the United States. The purpose of EPCA is to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

Intermodal Surface Transportation Efficiency Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of surface transportation programs. The purpose of the ISTEA is to maximize mobility and address national and local interests in air quality and energy. The ISTEA contained factors that metropolitan planning organizations (MPO) were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

Transportation Equity Act for the 21st Century

In 1998, Congress enacted the Transportation Equity Act for the 21st Century, which expanded programs and initiatives established in the ISTEA legislation. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under the ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions.

Energy Independence and Security Act

In 2007, Congress enacted the Energy Independence and Security Act of 2007 (EISA) with the purpose to increase energy independence and efficiency. The legislation requires the Renewable Fuel Standard (RFS) to continually increase over time to reduce the reliance of petroleum. The U.S. Environmental Protection Agency (EPA) is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

State

Greenhouse Gas Emissions

Discussed below are some of the key state directives and policies pertaining to GHG emissions reduction.

Assembly Bill 32

The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500–38599) established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This requirement was achieved early in 2016.

Senate Bill 97

Senate Bill (SB) 97 (2007) (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097) acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The Natural Resources Agency adopted amendments to the CEQA Guidelines in 2010 to address the directive. As a result, CEQA lead agencies are required to estimate the emissions associated with project-related vehicular traffic, energy consumption, water usage, and construction activities to determine whether project-level or cumulative impacts could occur and to mitigate the impacts where feasible.

Senate Bill 375

SB 375 (2008) (Chapter 728, Statutes of 2008) aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires each MPO to adopt a sustainable communities strategy or alternative planning strategy that will prescribe land use allocation in that MPO's regional transportation plan. The California Air Resources Board (CARB) is charged with reviewing each MPO's sustainable communities strategy or alternative planning strategy for consistency with its assigned targets. San Diego County is part of the San Diego Association of Governments' (SANDAG) MPO and is covered under SANDAG's *2050 Regional Transportation Plan*.

Energy Conservation

Discussed below are some of the key state directives and policies pertaining to energy conservation.

Warren-Alquist Act

The California legislature passed the Warren-Alquist Act in 1974. The Warren-Alquist Act created the California Energy Commission (CEC). The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for both buildings constructed and appliances sold in California.
- The act removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- The CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

State of California Energy Action Plan

The CEC and CPUC approved the first state of California *Energy Action Plan* in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies, and actions that are cost effective and environmentally sound for California's consumers and taxpayers. In 2005, a second *Energy Action Plan* was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior two years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of AB 32, the California Global Warming Solutions Act of 2006 (discussed above). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

Senate Bill 1078

SB 1078 (2002) established the California RPS Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by 2018. These retail sellers include electrical corporations, community choice aggregators, and

electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107, X1-2, 350, and 100

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent shall come from renewables; by December 31, 2016, 25 percent shall come from renewables; and by December 31, 2020, 33 percent shall come from renewables. According to the 2019 RPS Annual Report to the Legislature, all of the large investor-owned utilities have reached this goal in 2018 (CPUC 2019).

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44 percent of the total electricity sold to retail customers in California per year by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

Assembly Bill 1007

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The 2016 Title 24 building energy efficiency standards, which became effective on January 1, 2017, further reduce energy used in the state. In general, single-family homes built to the 2016 standards are anticipated to use approximately 28 percent less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards, and nonresidential buildings built to the 2016 standards will use an estimated 5 percent less energy than those built to the 2013 standards.

The 2019 Title 24 standards were approved and adopted by the California Building Standards Commission in December 2018. The 2019 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards, while new nonresidential buildings will use about 30 percent less energy.

The CALGreen standards originally took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.
- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Sixty-five percent of construction and demolition waste must be diverted from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency.

- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations.
- Low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

California's Energy Efficiency Standards for Appliances (Title 20)

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through the CEC to demonstrate compliance with standards.

New appliances regulated under Title 20 include refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems.

Title 20 presents protocols for testing for each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design.

Local

Climate Action Plan

The City's Climate Action Plan (CAP) serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies

what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The CAP aims to achieve the following local community-wide GHG reduction targets:

- 13 percent below 2012 levels by 2020
- 41 percent below 2012 levels by 2030

To achieve these objectives, the 2018 CAP identifies the following:

- A summary of baseline GHG emissions and the potential growth of these emissions over time.
- The expected climate change effects on the City.
- GHG emissions reduction targets and goals to reduce the community's contribution to global warming.
- Identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the 2018 CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the 2018 CAP is making progress.

City of Encinitas General Plan

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The *General Plan* states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies of the General Plan include:

Circulation Element

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

GOAL 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.

Policy 3.2. Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

Policy 3.3: Create a safe and convenient circulation system for pedestrians.

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

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

Resource Management Element

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

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

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

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

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

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

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

GOAL 9: The City will encourage the abundant use of natural and drought tolerant landscaping in new development and preserve natural vegetation, as much as possible, in undeveloped areas.

Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.

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

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

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

Policy 15.1: The City will encourage the use of alternate energy systems, including passive solar and architectural and mechanical systems, in both commercial and residential development.

Policy 15.2: The patterns of proposed subdivisions and the orientation and design of structures on lots shall be designed with the objective of maximizing the opportunities for solar energy use and energy conservation.

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

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The Housing Plan Update 2019 includes the 2013-2021 HEU and a series of discretionary actions to update and implement the City's Housing Element. The City received Local Coastal Program Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the state Department of Housing and Community Development in October 2019.

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

Policy 2.8: Continue to develop and promote an energy efficiency conservation measure consistent with the strategies outlined in the City's Climate Action Plan.

Additionally, according to the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment*, implementation of projects identified in the HEU would not directly conflict with the policies and reduction measures in the City's CAP. However, development of the proposed project has the potential to exceed the City's interim screening threshold (900 metric tons of carbon dioxide equivalent [$MTCO_2e$] per year) which would potentially conflict with the City's ability to achieve the CAP's GHG emissions reduction targets.

Projects that do not achieve the screening level threshold shall prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. Examples of mitigation measures which can be utilized were identified in the GHG-3 Table A of the Environmental Assessment and are shown in Table 3.5-2 below. As described in Section 2.0, Project Description, the proposed project has incorporated many of these features into the project.

Table 3.5-2 Menu of Potential Project Level GHG Reduction Measures

GHG-3 TABLE A: Menu of Potential Project-Level GHG Reduction Measures	
Feature	**Description**
Indoor Space Efficiencies	
Heating/Cooling Distribution System	Improve duct insulation 15% over standard requirement (2013 Title 24)
Space Heating/Cooling Equipment	High Efficiency HVAC (equivalent to SEER 15 AFUE or 8.5 service population)
Water Heaters	High Efficiency Water Heaters or, Solar Water Heater Systems or, Water Heater with Solar Pre-heat System
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours. Future development under the HEU, should strive for daylighting in all rooms within the living space through use of windows, solar tubes, skylights, etc.

Table 3.5-2, continued

GHG-3 TABLE A: Menu of Potential Project-Level GHG Reduction Measures	
Feature	**Description**
Artificial Lighting	High Efficiency Lights (50% of in-unit fixtures are high efficacy) High efficacy is defined as 40 lumens/watt for 15 watts or less fixtures: 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt)
Appliances	All multi-family developments will provide Energy Star ceiling fans, refrigerators, dishwashers, and laundry washing machines. Laundry washing machines include those provided for shared or common use.
Miscellaneous Residential Building Efficiencies	
CalGreen Tier II	Demonstrate compliance with CALGreen Tier II standards.
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes natural heating, cooling, and lighting.
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21.
Energy Star Homes	EPA Energy Star for Homes (version 3 or above).
Independent Energy Efficiency Calculations	Provide point values based upon energy efficiency modeling of the Project. Note that engineering data will be required documenting the energy efficiency and point values based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.
Residential Renewable Energy Generation	
Photovoltaic	Solar Photovoltaic panels installed on individual homes or in collective neighborhood arrangements such that the total power provided augments 25 percent of the power needs of the project.
Off-site renewable energy project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing homes that will help implement renewable energy within the City. These off- site renewable energy retrofit project proposals will be determined on a case by case basis and must be accompanied by a detailed plan that documents the quantity of renewable energy the proposal will generate. Point values will be determined based upon the energy generated by the proposal.
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed will be decided based upon engineering data documenting the ability to generate electricity.
Residential Water Conservation	
Irrigation and Landscaping	
Water Efficient Landscaping	Limit conventional turf to < 50% of required landscape area Limit conventional turf to < 25% of required landscape area No conventional turf (warm season turf to < 50% of required landscape area and/or low water using plants are allowed). Only California Native Plants that requires no irrigation or some supplemental irrigation.

Table 3.5-2, continued

GHG-3 TABLE A: Menu of Potential Project-Level GHG Reduction Measures	
Feature	**Description**
Water Efficient irrigation systems	Weather based irrigation control systems or moisture sensors (demonstrate 20% reduced water use).
Recycled Water	Recycled connections (purple pipe) to irrigation system on site Water Reuse Graywater Reuse System collects Gray water from clothes washers, showers and faucets for irrigation use, Storm water Reuse Systems On-site storm water collection, filtration and reuse systems that provide supplemental irrigation water.
Potable Water	
Overall water reduction calculation	Achieve 25 percent reduction
Vehicle Trip Reduction Measures	
Mixed-Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions.
Residential Near Local Retail (Residential only Projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled.
Bicycle Infrastructure	
Bicycle Infrastructure	Provide onsite bicycle-path linkages between residential and other land uses or a surrounding bicycle path network.
Renewable Fuel/Alternative Fuel Vehicles (Electric Vehicle Infrastructure)	
Electric Vehicle Recharging	Provide circuit and capacity in garages of residential units for use by an electric vehicle. Charging stations are for on-road electric vehicles legally able to drive on all roadways including Interstate Highways and freeways.
Electric Vehicle Charging Stations	Include 1 electric vehicle charging station for every 50 parking spaces.
Construction and Demolition Debris Diversion Program	
Recycling of Construction/ Demolition Debris	All construction debris will be disposed of at a Construction, Debris, and Inert-material Recovery Facility

Source: Ldn Consulting, 2020b (Appendix F)

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact related to GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed project would have a significant impact related to energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

PROJECT IMPACTS AND MITIGATION

GREENHOUSE GAS EMISSIONS

Impact 3.5-1	**The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant.**

The HEU Environmental Assessment determined that the HEU had the potential to result in impacts due to exceedances of the City's interim 900 MT CO2e/yr threshold, and required developments that would exceed the applicable 900 metric tons of CO2e interim screening threshold of significance (or those in place at the time of the development application) to prepare a Greenhouse Gas Emissions Assessment. Appendix F provides the project-level analysis including both construction and operational emissions.

As analyzed in Appendix F, and noted in the Chapter 2.0, Project Description, the proposed project includes numerous sustainability and energy efficiency components, which would be included as conditions of approval, restated here for convenience:

1. The project would install low flow water fixtures in all residential units.

2. All lighting within the project would be designed using LED technology for both indoor and outdoor areas.

3. The project would provide separate waste containers to allow for simpler material separations, or the project would pay for a waste collection service that recycles the materials in accordance with AB 341 to achieve a 75% waste diversion. 100% of all green waste would be diverted from landfills and recycled as mulch and used on-site.

4. The project would not install hearth options in residential units.

5. The project would be required to utilize Tier 4 construction Equipment with Diesel Particulate Filters (DPF) attached or equivalent.
6. The project would install 434 kilowatts (kW) of solar.
7. The project would provide circuit and capacity in all 250 residential garages for use by electric vehicles, and would install 13 Electric Vehicle (EV) Charging Stations in surface parking areas throughout the project site.
8. The project would install high-efficiency water heaters or solar water heater systems.
9. The project would comply with ENERGYSTAR appliance requirements, and would meet ENERGYSTAR for Homes.
10. The project would install water efficient/drought tolerant and/or native landscape, use smart evapotranspiration controllers, would use reclaimed water on non-agricultural project landscaping areas and would limit conventional turf.
11. The project would install high-efficiency heating, ventilation, and air conditioning (HVAC) systems areas.
12. The project has been designed such that most buildings are oriented in a north/south direction.
13. The project includes a mix of uses, including an on-site restaurant, on-site recreation areas (community recreation center, trail system, linear park) and is within walking distance of off-site retail and commercial centers areas.
14. The project would improve duct insulation 15 percent over 2013 Title 24.
15. The project would comply with CalGreen Tier II standards.
16. The project would install a storm water reuse system on-site to collect, filter and re-use captured stormwater in landscaped areas.
17. The project would provide residential development within walking and biking distance of local retail.

With respect to cumulative San Diego Air Basin-wide conditions, the San Diego Air Pollution Control District (SDAPCD) has developed strategies to reduce short-term construction-related criteria air pollutant emissions and to reduce long-term mobile-source GHG emissions.

Based on expected construction activities and equipment shown in Table 3.2-5 in Section 3.2, Air Quality, construction of the proposed project would generate approximately 1,133.98 $MTCO_2e$

over the construction life of the proposed project (refer to Table 3.5-3, Expected Construction CO_2e Emissions MT/Year). Lead agencies, including the SDAPCD and the County of San Diego, recommend that construction emissions be amortized over a 30-year period to account for the contribution of construction emissions over a project's lifetime. As such, amortizing the emissions from construction of the proposed project over a 30-year period would result in an annual contribution of approximately 38 $MTCO_2e$ (1,133.98 MT CO_2e / 30 years = 38 MT CO_2e/yr).

Table 3.5-3 Expected Construction CO_2e Emissions (MT/Year)

Year	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
2021	0.00	462.69	462.69	0.10	0.00	465.17
2022	0.00	629.16	629.16	0.09	0.00	631.34
2023	0.00	37.35	37.35	0.01	0.00	37.47
					Total	**1,133.98**
					Yearly Average Construction Emissions (metric tons/year over 30 years)	**37.80**

Notes: Expected construction emissions are based upon CalEEMod modeling assumptions for equipment and durations listed in Table 3.2-5 in Section 3.2, Air Quality.
Source: Ldn Consulting, 2020b (Appendix F)

These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the proposed project. Additionally, the construction manager would be required to comply with SDAPCD Rules 50, Visible Emissions, 51, Nuisance, and 55, Fugitive Dust Control and applicable best management practices such as using low-emission construction vehicles and equipment (SDAPCD n.d). These requirements are also imposed on cumulative projects throughout the San Diego Air Basin.

In the long term, the proposed project would generate additional trips, emit air pollutants, use electric and natural gas, and increase mobile-source GHG emissions. Table 3.5-4 shows the annual operational emissions inventory. These include GHG emissions associated with buildings (natural gas and purchased electricity), water consumption (energy embodied in potable water), solid waste management (including transport and landfill gas generation), and vehicles.

Table 3.5-4 Proposed Project Operational GHG Emissions (MT/Year)

Source	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
Area	0.00	3.04	3.04	0.00	0.00	3.11
Electrical Usage	0.00	209.34	209.34	0.01	0.00	210.10
Natural Gas	0.00	151.34	151.34	0.00	0.00	152.24
Mobile	0.00	1,212.28	1,212.28	0.06	0.00	1,213.87
Waste	13.04	0.00	13.04	0.77	0.00	32.30

Table 3.5-4, continued

Source	Bio-CO_2	NBio-CO_2	Total CO_2	CH_4	N_2O	CO_2e
Water	7.87	73.72	81.59	0.81	0.02	107.74
					Subtotal	1,719.36
					Amortized Construction Emissions	37.8
					434 kW of PV	-225.8
					EV Chargers (263 stations)	-186.64
					Project Total GHG Emissions	**1,344.72**
					Residents (628 persons) + Employment (20 persons): Service Population	**648**
					Metric Tons/Service Population	**2.08**

Notes: Data is presented in decimal format and may have rounding errors.
Source: Ldn Consulting, 2020b (Appendix F)

As shown in Table 3.5-4, project operations are anticipated to generate 1,692 $MTCO_2e$ per year. The City's CAP has a goal to reduce the City's emissions 41 percent below 2012 levels by 2030. The CAP contains 19 City actions to help achieve this goal, such as the installation of low-flow water fixtures and EV charging stations, which both private and municipal projects must implement.

According to the City's CAP, a multi-family development is required to install 1W of solar per square foot (City Action RE-2) and commercial developments are required to install 2W of solar per square foot (City Action RE-3). Therefore, to be consistent with the CAP, the proposed project is required to install at minimum 257 kW of solar. The proposed project anticipates installing 434 kW of solar; therefore, the project would be consistent with the CAP requirements for on-site solar. Installation of the solar equipment would reduce the proposed project's GHG emissions by approximately 226 MT CO_2e/year (see Table 3.5-4).

As analyzed in Section 3.14, Utilities and Services Systems, the proposed project would implement measures to reduce potable water usage. Table 3.14-7, Net Potable Water Use Summary, calculates that the proposed project's residential water conservation measures reduce total potable water usage by 6,063 gpd. When the project's total residential water conservation is divided by the project's anticipated residents (628 residents), the water savings represents a reduction of approximately 9.6 gallons per customer per day, which is almost twice the CAP Measure WE-1 target of saving 5 gallons per customer per day.

With respect to on-road transportation emission reductions, Goal 4.1 (Reduce VMT) includes a number of supporting goals, which are either included as part of the project design or as part of the proposed project's TDM Program (see Section 3.12, Transportation). Further, the project site is located near a transit stop on Leucadia Boulevard which is within walking distance of most residents. This transit stop could connect residents to the planned transit services envisioned by

the City including Express Services to education facilities and routes to Coaster connections (CET-2).

City Action CET-4 of the CAP requires multi-family developments to install EV charging stations at 5 percent of the total number of parking spaces while City Action CET-5 requires commercial development to install enough EV charging stations to cover 8 percent of all common parking areas. The project proposes to install EV charging stations in each garage of the 250 residential units, which far exceeds the requirement of City Action CET-4. In addition, the proposed project would include 13 EV charging stations in the commercial parking spaces (8 percent of 85 spots = 10 stations), which meets the requirement of CET-5. Overall, the proposed project would install 263 Level II EV charging stations. Installation of the EV charging stations would reduce the proposed project's GHG emissions by approximately 187 MT/year (see Table 3.5-4). Additionally, the proposed project would install a solar water heater at the restaurant, which would further reduce GHG emissions. However, to be conservative, this last energy reduction was not quantified in the GHG emissions analysis.

City Action CS-1 calls for the development and implementation an Urban Tree Planting Program, with a goal of 650 net new trees planted. CS-1 states that removed trees must be replaced at a 1:1 ratio. Approximately 32 street trees along Leucadia Boulevard and Quail Gardens Drive would be removed as part of the project. However, the proposed project would replant approximately 30 trees along Leucadia Boulevard and 5 trees along Quail Gardens Drive which would fully mitigate the loss of trees in the right-of-way (refer to Figure 2.0-9a, Conceptual Landscape Plan). The replanting and maintenance of the trees in the right-of-way would comply with the regulations and policies established in the City's General Plan Resource Management Element and Municipal Code (refer to Section 3.3, Biological Resources).

With implementation of CAP-exceeding installation of solar PV and EV chargers as proposed, the proposed project's emissions (operations and amortized construction) are reduced to approximately 1,318 $MTCO_2e$ per year. This does not account for reasonably foreseeable reductions due to other design features or future regulatory restrictions which are anticipated to be passed by the State of California to achieve additional GHG emissions reductions.

In addition to the CAP analysis above, the *Greenhouse Gas Assessment* contained an alternative GHG analysis based on service population (service population). This is determined by dividing the project emissions by the sum of the number of residents and number workers supported by a project. In the *2017 Climate Change Scoping Plan Update*, CARB suggested substantial progress could be made if a regional or countywide GHG reduction plan, such as the City's CAP, targeted reducing emissions to 6 $MTCO_2e$ per capita by 2030 and 2 $MTCO_2e$ per capita by 2050. However, instead of purely relying on the regional/countywide projections, local data was gathered to

establish a baseline to ensure that the proposed project would provide its fair share contribution toward meeting GHG reduction targets (Appendix F).

During preparation of the City's baseline emissions inventory, the University of San Diego's Energy Policy Initiatives Center (EPIC) calculated GHG emissions for both community-wide sectors and County government operations for the year 2012. EPIC then projected emissions for the years 2020 and 2030 based on factors such as population and job growth. EPIC concluded that, in 2012, the total emissions in the City was approximately 483,773 $MTCO_2e$.

To be consistent with SB 32, the City must reduce emissions by 41 percent from the baseline, which equates to a target of 285,426 $MTCO_2e$/year in 2030. The City's service population in 2030 is expected to be 92,896 (64,938 residents and 27,958 jobs). Therefore, to achieve a City emissions level of 285,426 $MTCO_2e$ in 2030, the required per capita efficiency target would be approximately 3.1 $MTCO_2e$ (285,426/92,896) per service population (Appendix F), which is approximately half of CARB's suggested target.

Based on this approach, the proposed project would be required to generate fewer service population emissions than 3.1 $MTCO_2e$. As shown in Table 3.5-4, the proposed project was found to generate approximately 1,318 $MTCO_2e$ with both amortized construction and annual operations incorporated. The total resident population for the project's 250 residential units was estimated to be 628 based on population metrics from SANDAG (2.51 residents per home in 2020 and 2.52 residents per home in 2035). Employment in the proposed project would be approximately 20 employees at full buildout. The City's current population is approximately 62,819 (see Table 4.3-1, Population and Housing Projections); therefore, the addition of the proposed project's 628 residents would be within the CAP's 2030 projected service population.

As such, the proposed project would generate about 2.08 $MTCO_2e$ per service population (1,318 $MTCO_2e$/648 persons). Further, this total is in line with the *2017 Climate Change Scoping Plan Update* emissions of 2 $MTCO_2e$ per capita by 2050 without taking into account future regulatory changes which will reasonably further reduce GHG emissions given California's aggressive agenda in addressing greenhouse gas emissions. Since the proposed project would generate fewer emissions than the City-specific localized efficiency metric of 3.1 $MTCO_2e$ per service population and because the proposed project's long-term (2050) emissions would be within CARBs emissions projections for 2050, the project would result in a less than significant impact (Appendix F).

The proposed project is consistent with the General Plan and accounted for in the HEU, which will form the basis of future updates to the CAP, and the project's emissions would be captured therein. The CAP is currently being updated. The project is required to comply with the City's CAP by implementing the appropriate CAP measures, which are described above. Furthermore, the proposed project would generate fewer emissions than the City-specific localized efficiency

metric and is within the projections for the future service population established in the CAP. Therefore, the proposed project would not generate substantial GHG emissions and would not directly contribute to short- or long-term GHG impacts. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS

Impact 3.5-2	**The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.**

California Air Resources Board 2008 and 2017 Scoping Plans

AB 32 establishes a statewide goal to reduce GHG emissions back to 1990 levels by 2020. CARB adopted the AB 32 Scoping Plan as a framework for achieving AB 32 goals with the most recent being the 2008 and 2017 Scoping Plans. While the 2008 and 2017 Scoping Plans are not directly applicable to specific projects, the plans contain several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB has adopted many of the measures identified in the plans, such as those that reduce emissions from area sources and vehicle fleets, which are not applicable to individual development projects.

The proposed project would comply with all applicable regulations adopted in furtherance of the 2008 and 2017 Scoping Plans to the extent required by law. The Scoping Plan outlines a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions, such as the installation of low-flow water fixtures and EV charging stations. Refer to the project components listed under Impact 3.5-1. Table 3.5-5 provides the relevant measures from the CARB Scoping Plan and the proposed project's consistency with those measures.

Table 3.5-5 Project Consistency with CARB Scoping Plan

Scoping Plan Measure	Measure Number	Project Consistency
Transportation Sector		
1.5 million zero-emission and plug-in hybrid light-duty electric vehicles by 2025 (4.2 million Zero-Emissions Vehicles by 2030)	N/A	The proposed project would include 263 electric vehicle charging stations in exceedance of the City's requirements.

Table 3.5-5, continued

Scoping Plan Measure	Measure Number	Project Consistency
Regional Transportation-Related GHG Targets	T-3	CARB has adopted its regional transportation-related GHG targets in furtherance of SB 375. Those targets do not apply directly to the proposed project, and instead are considered by MPOs (like SANDAG) when developing their sustainable communities strategies. See below for discussion of the proposed project's consistency with SANDAG's Regional Transportation Plan.
Reduction in Vehicle Miles Traveled	N/A	The proposed project is located on an infill site that is in close proximity to multimodal transportation options. Further, the proposed project would provide needed residential opportunities (including affordable housing units) in the City of Encinitas.
Electricity and Natural Gas Sector		
Energy Efficiency Measures (Electricity)	E-1	The proposed project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. Further, as described above, the proposed project includes numerous design features that would reduce natural gas consumption, promote building electrification, and achieve other efficiencies relative to the consumption of energy.
Energy Efficiency (Natural Gas)	CR-1	The proposed project would comply with Title 24, Parts 6 and 11, building energy efficiency standards applicable at the time of building permit application. As discussed above, the proposed project includes other design attributes to reduce natural gas consumption, including the elimination of natural gas fireplaces, from the design of the residential units.
Solar Water Heating (California Solar Initiative Thermal Program)	CR-2	The proposed project would install a solar water heater on both the recreation center pool and the restaurant.
Renewables Portfolio Standard	E-3	The proposed project would use energy supplied by SDG&E, which complies with the Renewable Portfolio Standard. SDG&E expects an approximate 44 percent renewables mix in calendar year 2024.
Senate Bill 1 Million Solar Roofs (California Solar Initiative, New Solar Home Partnership, Public Utility Programs) and Earlier Solar Programs	E-4	The proposed project would include a 434 kW solar photovoltaic system located on the roof and carports.

Table 3.5-5, continued

Scoping Plan Measure	Measure Number	Project Consistency
Water Sector		
Water Use Efficiency	W-1	The proposed project would utilize water-saving features, including low-flow fixtures and water-efficient landscape irrigation.
Water Recycling	W-2	The proposed project would utilize reclaimed water and would include waste piping to permit the reuse of greywater.
Reuse Urban Runoff	W-4	The proposed project would include low-impact development measures to the extent feasible to reduce the amount of stormwater runoff from the site.
Green Buildings		
State Green Building Initiative: Leading the Way with State Buildings (Greening New and Existing State Buildings)	GB-1	The proposed project would be required to be constructed in compliance with state and local green building standards in effect at the time of building construction.
Green Building Standards Code (Greening New Public Schools, Residential and Commercial Buildings)	GB-2	The proposed project's buildings would meet green building standards that are in effect at the time of building permit application.
Beyond Code: Voluntary Programs at the Local Level (Greening New Public Schools, Residential and Commercial Buildings)	GB-3	The proposed project would be required to be constructed in compliance with local green building standards in effect at the time of building permit application.
Industry Sector		
Recycling and Waste Management Sector		
Mandatory Commercial Recycling	RW-3	This measure applies to commercial projects. However, during both construction and operation of the proposed project, the proposed project would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act, as amended. During construction, all waste would be recycled to the maximum extent possible.
Forests Sector		
High Global Warming Potential Gases Sector		
Limit High Global Warming Potential Use in Consumer Products	H-4	The proposed project's residents would use consumer products that would comply with the regulations that are in effect at the time of manufacture.

Table 3.5-5, continued

Scoping Plan Measure	Measure Number	Project Consistency
Agriculture Sector		
Methane Capture at Large Dairies	A-1	This measure does not apply to the proposed project because it applies to capturing methane at large dairies. The proposed project would not inhibit CARB from implementing this Scoping Plan measure.

Sources: CARB 2008, 2017b, and Ldn Consulting, 2020b (Appendix F)
Notes: GHG = greenhouse gas; proposed project = Fox Point Farms Project; CARB = California Air Resources Board; EV = electric vehicle.

Based on this analysis and the items listed in Table 3.5-5, the proposed project would be consistent with the applicable strategies and measures in the 2008 and 2017 Scoping Plans. Furthermore, the Scoping Plans encourage infill projects and characterize such projects as crucial to achieving the state's long-term climate goals. The plans encourage accelerating equitable and affordable infill development through enhanced financing and policy incentives and mechanisms. As the proposed project is an infill project, it would be consistent with these goals and policies of the Scoping Plans. In addition, the 2017 Scoping Plan contains a list of local actions that agencies can implement to further reduce GHG emissions. As shown in Table 3.5-6, the proposed project would be consistent with applicable local actions set forth within Appendix B of the 2017 Scoping Plan.

Table 3.5-6 Project Consistency with Scoping Plan Local Actions

Scoping Plan Local Action	Project Consistency
Construction	
Enforce idling time restrictions for construction vehicles	The proposed project will enforce unnecessary idling to 5 minutes, in accordance with CARB's Off-Road Regulation.
Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible	The proposed project will divert and recycle construction and demolition waste in accordance with all applicable rules and regulations.
Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance	The proposed project would provide for more trees on-site than currently exist through landscaping.
Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators	The proposed project will rely on existing grid power for electric energy to the extent feasible and practical.

Table 3.5-6, continued

Scoping Plan Local Action	Project Consistency
Operation	
Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals	The proposed project will include 263 EV installed spaces, exceeding the City's requirements.
Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in nonresidential projects	The proposed project will include on-site bicycle parking and storage for residents, as well as a bike-share program.
Require on-site renewable energy generation	The proposed project will include a 434 kW solar photovoltaic system located on rooftop mounted arrays.
Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments	The proposed project will not include fireplaces or wood-burning stoves.
Require solar-ready roofs	The proposed project will include a 434 kW solar photovoltaic system located on rooftop mounted arrays.
Require low-water landscaping in new developments	The proposed project will include water-efficient landscaping techniques, including drip irrigation.
Expand urban forestry and green infrastructure in new land development	The proposed project would provide for more trees on-site than currently exist through landscaping.
Require the design of the electric outlets and/or wiring in new residential unit garages to promote electric vehicle usage	The proposed project will include 263 EV installed spaces, exceeding the City's requirements.
Require each residential unit to be "solar ready," including installing the appropriate hardware and proper structural engineering	The proposed project will be designed to include a solar PV rooftop system that would be rated at 434 kW direct current.
Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans	The proposed project will include the use of energy-conserving appliances, such as ENERGY STAR labeled.
Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers	The proposed project will equip each residential unit with programmable thermostats to control the heating and AC system.
Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets	The proposed project would include low-flow or high-efficiency water fixtures (toilet, showerhead, clothes washer, etc.).

Table 3.5-6, continued

Scoping Plan Local Action	Project Consistency
Require the use of energy-efficient lighting for all street, parking, and area lighting	The proposed project will include the use of LED lighting or other efficient lighting for at least 75 percent of the total luminaires.
Require the landscaping design for parking lots to utilize tree cover and compost/mulch	The proposed project would provide for more trees on-site than currently exist through landscaping.

Sources: CARB 2017b; Ldn Consulting, 2020b (Appendix F)
Notes: GHG = greenhouse gas; proposed project = The Fox Point Farms Project; CARB = California Air Resources Board; EV = electric vehicle.

San Diego Association of Governments' San Diego Forward: The Regional Plan

SANDAG developed *San Diego Forward: The Regional Plan* to provide a regional growth-management strategy that targets per-capita GHG emissions reductions from passenger vehicles and light-duty trucks in the San Diego region. The Regional Plan integrates land use and transportation strategies to meet GHG emissions reduction targets that are forecasted to achieve the state's 2035 and 2050 GHG reduction goals. The Regional Plan incorporates local land use projections and circulation networks in city and county general plans. Typically, a project would be consistent with the Regional Plan if it does not exceed the underlying growth assumptions in the Regional Plan.

Implementation of the proposed project would result in an increase in 249 residential units (250 less the one existing on-site residence), which is consistent with what was proposed in the HEU (between 246 and 296 units on the project site). The HEU includes the City's share of the required new residential units in the region, as provided by the Regional Housing Needs Assessment from SANDAG. The City projected a deficit of 1,062 very low/low income units and 238 moderate/ above moderate income units (Encinitas 2019). As part of the HEU process, the City updated SANDAG with the growth projections approved by the City within the HEU. Therefore, since the proposed project has been designed in accordance with growth projections identified in the HEU, the proposed project would not conflict with SANDAG's regional growth forecast for the City.

Additionally, the proposed project includes energy efficiency features that support the policy objectives of the Sustainable Communities Strategy and Regional Transportation Plan required by SB 375. As shown in Table 3.5-7, the proposed project is consistent with all applicable Regional Plan policy objectives and strategies. Furthermore, the plan includes goals and objectives that promote infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns, which is consistent with the proposed project.

Table 3.5-7 Project Consistency with SANDAG's San Diego Forward: The Regional Plan

Category	Policy Objective or Strategy	Consistency Analysis
The Regional Plan – Policy Objectives		
Mobility Choices	Provide safe, secure, healthy, affordable, and convenient travel choices between the places where people live, work, and play.	*Consistent.* The proposed project incorporates smart growth and sustainable design principles in its development plan. More specifically, the proposed project's design puts people in areas that are accessible to public transit. The design and locational attributes of the proposed project positively emphasize particular commuting choices and convenient access to the rest of the City and the region.
Mobility Choices	Take advantage of new technologies to make the transportation system more efficient and environmentally friendly.	*Consistent.* The proposed project includes 250 garages and 13 visitor EV charging stations to support EV adoption. Additionally, the proposed project would not impair SANDAG's ability to employ new technologies to make travel more reliable and convenient.
Habitat and Open Space Preservation	Focus growth in areas that are already urbanized, allowing the region to set aside and restore more open space in our less developed areas.	*Consistent*. The proposed project would be located close to major urban and employment centers. As such, the project proposes to develop future housing opportunities in an infill location that capitalizes on existing infrastructure rather than in a non-developed area—such as an open space area, sensitive habitat, or area otherwise constrained due to topography, flooding, or other factors.
Healthy and Complete Communities	Create great places for everyone to live, work, and play.	*Consistent*. The project proposes new residential development in an infill location that would integrate residents into the existing community. The proposed project's location allows ease of access to regional shopping, entertainment, and employment.
Healthy and Complete Communities	Connect communities through a variety of transportation choices that promote healthy lifestyles, including walking and biking.	*Consistent*. The proposed project location would provide residents with the opportunity to access employment, recreational, and commercial uses via multiple modes of transportation. The proposed project would also encourage non-vehicular modes of transportation through its proximate location to nearby amenities.
Environmental Stewardship	Make transportation investments that result in cleaner air, environmental protection, conservation, efficiency, and sustainable living.	*Consistent*. While the proposed project does not require a transportation investment from SANDAG, it is noted that the proposed project would include numerous design attributes that reduce natural gas consumption, promote building electrification, enhance the efficiency of energy and water consumption, and facilitate the use of zero emission vehicles.

Table 3.5-7, continued

Category	Policy Objective or Strategy	Consistency Analysis
Environmental Stewardship	Support energy programs that promote sustainability.	*Consistent*. The proposed project would include numerous design attributes that reduce natural gas consumption, promote building electrification, enhance the efficiency of energy and water consumption, and facilitate the use of zero emission vehicles.
Sustainable Communities Strategy – Strategies		
Strategy #1	Focus housing and job growth in urbanized areas where there is existing and planned transportation infrastructure, including transit.	*Consistent.* The proposed project would be located on an infill site close to urban and employment centers. The project site is located along Leucadia Boulevard, which is served by NCTD Bus Route 304. The closest Route 304 stop is located south of the project site, on Leucadia Boulevard, adjacent to the site. Route 304 provides connections to the Coaster's Encinitas station, providing project residents with transit network opportunities to facilitate their travel.
Strategy #2	Protect the environment and help ensure the success of smart growth land use policies by preserving sensitive habitat, open space, cultural resources, and farmland.	*Consistent.* The proposed project would be located on an infill site close to major urban and employment centers. As such, the project proposes to develop future housing opportunities in an infill location that capitalizes on existing infrastructure rather than in a non-developed area—such as an open space area, sensitive habitat, or an area otherwise constrained due to topography, flooding, or other factors.
Strategy #3	Invest in a transportation network that gives people transportation choices and reduces greenhouse gas emissions.	*Consistent.* The proposed project would help reduce GHG emissions from vehicles in the region compared to a non-infill project. The closest Route 304 stop is located south of the project site, on Leucadia Boulevard, adjacent to the site. Route 304 provides connections to the Coaster's Encinitas station, providing project residents with transit network opportunities to facilitate their travel.
Strategy #4	Address the housing needs of all economic segments of the population.	*Consistent.* The proposed project includes both market-rate and affordable units to support all economic segments of the population.
Strategy #5	Implement the Regional Plan through incentives and collaboration.	*Not Applicable.* The proposed project would not impair the ability of SANDAG to implement the Regional Transportation Plan through incentives and collaborations.

Source: SANDAG 2015; Ldn Consulting 2020b (Appendix F)
Notes: City = City of Encinitas; proposed project = Fox Point Farms Project; VMT = vehicle miles traveled; SANDAG = San Diego Association of Governments; EV = electric vehicle.

City of Encinitas Climate Action Plan

The City adopted an update to the 2011 CAP in January 2018. Since the adoption of the City's first CAP, new methods for calculating GHG emissions and projecting future emissions have been

developed. In addition, advances in technology and public policy offer greater options for innovative GHG reduction strategies. The City's updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities by targeted dates. Housing construction associated with the proposed project would be subject to requirements of the CAP, as applicable.

Construction features required of new housing includes solar water heaters, rooftop solar panels, and low-flow fixtures as explained above. The proposed project would install 434 kW of solar which exceeds the requirements of CAP City Actions RE-2 and RE-3. The proposed project would also exceed the requirements of City Actions CET-4 and CET-5 by installing 263 EV charging stations on-site. Additionally, the proposed project would install a solar water heater at the recreation center pool and on-site restaurant, which would further reduce GHG emissions. With compliance with the CAP described above, the proposed project would be consistent with the CAP.

Conclusion

The proposed project is consistent with the CARB's *Climate Change Scoping Plan*; SANDAG's The Regional Plan, and the City's CAP. The proposed project is consistent with these plans based on the location of the project on an urban, infill site; design attributes that serve to reduce natural gas consumption, promote building electrification, and achieve other efficiencies in the consumption of energy, water and transportation fuels; and its provision of residential opportunities (including affordable units) in a jurisdiction with the need for more housing. Therefore, the proposed project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES

Impact 3.5-3	**The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.**

The impact analysis focuses on the three sources of energy that are relevant to the proposed project: (1) electricity (including energy required for water delivery, sanitary sewer, and solid

waste disposal), (2) natural gas, and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction.

Construction-Phase Energy Use

During construction, the proposed project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels to power construction vehicles and other energy-consuming equipment would be used during site demolition, clearing, grading, and construction. Fuel energy consumed during these activities would be temporary in nature and would not represent a significant demand on energy resources. Project construction equipment would be required to comply with the latest EPA and CARB engine emissions standards. These standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption.

Additionally, construction building materials would include recycled materials and products originating from nearby sources to reduce the costs of transportation. With increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid the wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices and materials.

Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ reasonable energy conservation practices in the interest of minimizing the cost of doing business.

As such, project construction would not represent a substantial increase in demand for local or regional energy supplies. Construction fuel use would be temporary and would cease upon completion of project construction. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Therefore, it is expected that construction fuel consumption

associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Operational Phase (Long-Term) Energy Use

Transportation Energy Demand

To comply with City Action CET-4 and CET-5 of the CAP, the proposed project is required to install EV charging stations at 5 percent of the total number of residential parking spaces and 8 percent of all commercial parking spaces. The project proposes to install EV charging stations in each garage of the 250 residential units, which far exceeds the requirement of City Action CET-4. In addition, the proposed project would include 13 EV charging stations in the commercial parking spaces, which meets the requirement of CET-5. Overall, the proposed project would install 263 Level II EV charging stations.

While the proposed project cannot guarantee residents would utilize the electric chargers, it is assumed that the availability of electric chargers on-site would incentive the adoption of electric vehicles and; thus, reduce the consumption of fossil fuels. In additional, the proposed project would implement a Transportation Demand Management (TDM) Plan to reduce vehicle miles traveled (refer to Section 3.12, Transportation). These TDM measures include improved pedestrian and bicycle facilities, transit subsidies for on-site employees, an e-bike sharing program for project residents, a business center in the community recreation center, and dedicated parking spaces for car-sharing programs. Furthermore, given the proposed project's small population compared to the size of the City and region, implementation of the proposed project would have a minimal contribution to fuel consumption and demand. As such, the proposed project would not have any unusual characteristics that would result in substantial or excessive long-term fuel consumption in the county. Therefore, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant**.

Building Energy Demand

As described under Impact 3.5-1, the proposed project would include project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific COA by the City. Most notably, the proposed project would include 434 kW of solar and 263 Level II EV charging stations. The proposed project would meet or exceed 2019 Title 24 energy efficiency requirements.

The proposed project would also comply with CALGreen Tier II standards. Other energy-saving features incorporated into the proposed development include restrictions on natural gas hearths, implementing low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances,

high-efficiency HVAC systems, and stormwater reuse systems on-site to collect, filter, and reuse captured stormwater in landscaped areas. Therefore, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation. Impacts would be **less than significant**.

Conclusion

The proposed project does not involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas. For the reasons described above, the proposed project would not place a substantial new demand on regional energy supply or require significant additional capacity. Therefore, the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Conflict With or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

Impact 3.5-4	**The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant.**

Refer to Impact 3.5-1 and 3.5-2. The proposed project would follow applicable energy standards and regulations during the construction and operation phases. Specifically, the proposed project would be consistent with all actions in the CAP. As stated above, the proposed project would include 434 kW of solar and 263 Level II EV charging stations, which complies with CET-4 and CET-5 of the CAP. Furthermore, the proposed project includes various project components to reduce its energy consumption, which include installing smart meters and programmable thermostats, low-flow water fixtures, and efficient lighting in all buildings (refer to Impact 3.5-1). The proposed project would be built and operated in accordance with all existing, applicable regulations at the time of construction. For the reasons stated, the proposed project would not obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.5-5	**The project would not result in cumulative impacts related to energy conservation and climate change. Impacts would be less than cumulatively considerable.**

Geographic Scope

Climate change is an inherently cumulative category of impact. No one project will cause climate change; rather, it is the agglomeration of all global emissions that causes harm. To help address its contribution to the cumulative issue, the state of California has elected to reduce GHG emissions at the state level for activities under its control and has promulgated policy for local agencies to do the same. As such, the City predominantly uses the CAP as the mechanism to reduce GHG emissions and energy consumption in the City on a project-by-project basis.

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to energy resources, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

The proposed project is consistent with the General Plan and accounted for in the HEU, which will form the basis of future updates to the CAP, and the project and cumulative project's emissions would be captured in such future CAP updates. The CAP is currently being updated to account for the HEU, including the proposed project and other cumulative projects listed in Table 3.0-1, Cumulative Projects.

The proposed project is required to be consistent with the City's CAP through implementing the appropriate CAP measures, which are described above. Similarly, other cumulative projects analyzed in the HEU would also be consistent with the General Plan, and future projects would be subject to provisions of the CAP and any associated implementing ordinances in effect at the time of application submittal for those projects. Furthermore, future development would be subject to compliance with applicable federal, state, and local energy and building regulations.

In addition, the proposed project would generate fewer emissions than the City-specific localized efficiency metric that would be required to achieve 2030 emissions thresholds and the proposed project's long-term (2050) emissions of 2.08 MT CO2e/yr would be within CARBs emissions projections for 2050 per the 2017 Scoping Plan Second Update. Therefore, the proposed project

would not generate substantial GHG emissions and would not substantially contribute to cumulatively considerable short- or long-term GHG impacts.

As to energy consumption, this cumulative impact analysis focuses on the three sources of energy that are relevant to the proposed project: (1) electricity (including energy required for water delivery, sanitary sewer, and solid waste disposal), (2) natural gas, and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. Construction of the cumulative projects listed in Table 3.0-1 and Table 3.0-2 would not represent a substantial increase in demand for local or regional energy supplies because construction fuel use would be temporary and would cease upon completion of project construction. None of the cumulative projects would involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas.

As described under Impact 3.5-1, the proposed project includes project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific conditions of approval by the City. Other cumulative projects would also include project components to comply with the CAP and/or other local, state, and federal regulations. As required by CET-4 and CET-5 of the CAP, projects are required to install rooftop solar panels and Level II EV charging stations, which would reduce each cumulative project's energy consumption. As stated in Impact 3.5-3, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the proposed project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project in relation to geology and soils. The information and analysis in this section is based on the *Preliminary Geotechnical Evaluation* prepared by GeoTek, Inc. (2019b; Appendix G), *Stormwater Intake Form and Priority Development Project Stormwater Quality Management Plan* (SWQMP) prepared by Pasco Laret Suiter & Associates (2020b; Appendix H), and *Paleontological Records Search* (2020c; Appendix I) prepared by ECORP Consulting, Inc. Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas. Discussion of on-site soils relative to potential contamination and remediation efforts is included in Section 3.7, Hazards and Hazardous Materials, of this EIR.

ENVIRONMENTAL SETTING

Geologic Setting

Regional Geology

The project area is situated in the Peninsular Ranges Geomorphic Province. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California; it varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of San Diego County occurs on these coastal terraces and is underlain by sedimentary units. Specifically, the project site is located within the coastal plain section of the Peninsular Ranges Geomorphic Province of bedrock.

Site-Specific Geology

Based on field exploration and observations conducted for the Preliminary Geotechnical Evaluation, the site is generally underlain by very old paralic deposits.[1] The paralic deposits encountered during borings were found to be very dense, fine- to medium-grained sands and silty sands. These deposits extended to the maximum depth explored of approximately 21½ to 26 ½-foot borings. Undocumented artificial fill was not observed on-site but may be present

[1] Paralic: Formed in, occurring in, or inhabiting shallow water near the sea.

under existing structures, pavement, or other man-made features (Appendix G). Refer to Figure 2, Boring Test Location Map, in Appendix G for locations of where the on-site borings were taken.

Seismic and Geologic Hazards

During the Pliocene, several new faults developed in Southern California, creating a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. One of these fault systems is the Rose Canyon Fault Zone.

The principal known onshore faults in southernmost California are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon. The principal offshore faults that include the Coronado Bank, Descanso, San Diego Trough, and San Clemente Faults off the San Diego and northern Baja California coastline. Most of the offshore faults coalesce south of the international border, where they come onshore as the Agua Blanca Fault which transects the Baja California peninsula.

Active Faults

The US Geological Survey defines an active fault as a fault that has had surface displacement within Holocene times (approximately the last 11,000 years) and therefore is considered more likely to generate a future earthquake. California's Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults that pose a risk of surface ground rupture, and to issue appropriate maps in order to mitigate the hazard of surface faulting to structures for human occupancy and prevent the construction of buildings used for human occupancy on the surface trace of active faults (CGS, 2010). No known active or potentially active faults transect or project toward the site. In addition, the site is not located within an earthquake fault zone mapped by the state or by the County of San Diego. The nearest fault is the Newport-Inglewood-Rose Canyon Fault Zone, approximately 4 miles southwest of the site.

Ground Shaking

Ground shaking is the earthquake effect that produces the vast majority of damage, and is the most common effect of earthquakes that adversely affects people, animals, and constructed improvements. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Earthquakes, or earthquake-induced landslides, can cause damage near and far from fault lines. Damage to public and private buildings and infrastructure can threaten public safety and result in significant economic loss. Seismic waves propagating through the earth's crust are responsible for the ground vibrations normally felt during an earthquake. Seismic waves can vibrate in any direction and at different frequencies, depending on the frequency content of the earthquake rupture mechanism and the path and

material through which the waves propagate. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site.

The California Building Code (CBC) defines different Seismic Design Categories based on building occupancy type and the severity of the probable earthquake ground motion at the site. The six Seismic Design Categories are designated A through F, with Category A having the least seismic potential and Category F having the highest seismic potential. Due to the presence of shallow granite bedrock on-site, the Preliminary Geotechnical Evaluation identifies the site as Seismic Design Category D and, based upon the presence of shallow granitic bedrock, as Site Class C (Appendix G).

Paleontological Resources

The project site is generally underlain by very old paralic deposits (Lindavista Formation) and Santiago Formation. Very old paralic deposits formed during the early to middle Pleistocene-age (1.5-0.5 million years ago) Lindavista Formation underlie the majority of the project site. The Lindavista Formation has produced remains of nearshore marine invertebrates (e.g., clams, scallops, snails, barnacles, and sand dollars), as well as sparse remains of marine vertebrates (e.g., sharks and baleen whales). The Lindavista Formation is assigned a moderate paleontological sensitivity.

The northeastern corner of the project site consists of the Santiago Formation (approximately 49 to 40 million years old) and appears to underlie the Lindavista Formation elsewhere within the project site. These geological deposits are typical of near-coastal ridges and bluffs in San Diego County, whereas the older stratigraphy of the Santiago Formation may be found in the drainage below the ridge (ECORP 2020c). The Santiago Formation has produced trace fossils (e.g., burrows) and fossilized impressions or remains of plants (e.g., tropical mangrove), marine invertebrates (e.g., snails, mussels, oysters, clams, tusk shells, starfish, and brittle stars), and marine vertebrates (e.g., rays). The Santiago Formation is considered to have a high paleontological sensitivity (Appendix I).

REGULATORY FRAMEWORK

State

California Building Code

The State of California establishes minimum standards for building design and construction through the California Building Code (CBC) (California Code of Regulations, Title 24). The CBC is based on the Uniform Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for

conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the Uniform Building Code are reflected in the CBC requirements.

The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with state and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The City's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP.

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

Land Use Element

GOAL 8: **Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas.**

Policy 8.1: Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required.

Resource Management Element

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

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

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

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

Policy 14.1: The best strategy to reduce erosion and sedimentation is to reduce to the maximum extent feasible, grading and removal of vegetation. It is the policy of the City that, in any land use and development, grading and vegetation removal shall be limited to the minimum necessary.

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

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

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

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

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

City of Encinitas Municipal Code

The City's Grading, Erosion, and Sediment Control Ordinance (Municipal Code Chapter 23.24) establishes minimum requirements for grading, excavating, and filling of land to provide for the issuance of grading permits and provides for the enforcement of the requirements. This ordinance was adopted pursuant to, and to implement provisions of, the General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property and promote the general welfare, enhance and preserve the physical environment of the community, and maintain the natural scenic character of the City. The provisions of this ordinance shall be administered to achieve, to the extent possible, appropriate goals and policies of the General Plan/LUP. Key provisions include, but are not limited to, the following:

- Section 23.24.140 requires that a grading plan be prepared and signed by a California registered civil engineer. If a soils and geology report is required, the grading plan must be signed by a registered soil engineer and a certified engineering geologist.

- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan to be included as part of the grading plan by a California registered civil engineer with respect to conditions existing on the site during land-disturbing or filling activities or soil storage and the conditions existing on the site after final structures and improvements (except those required under this section) have been completed and where these final structures have not been covered by an interim plan.

- Section 23.24.170 states that a soil engineering report, when required by the City Engineer, shall be prepared and certified by a California registered soils engineer and shall be based on adequate and necessary test borings.

- Section 23.24.180 requires the preparation of an engineering geology report in accordance with Ordinance 2008-03. In addition to a soils report, an engineering geology report is required when the City Engineer determines that the proposed development is in an existing or a potential geological hazardous area. A geological hazardous area is referred to as an area subject to landslide, faulting, or other hazards identified by the City Engineer. The report must be prepared by a California certified engineering geologist and California certified civil engineer or geotechnical engineer and is to be based on adequate and necessary test borings.

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The Housing Plan Update 2019 includes the 2013 - 2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. The City received Local Coastal Program (LCP) Amendment approval for the HEU from the California Coastal Commission in September 2019, and certification from the State Department of Housing and Community Development (HCD) in October 2019.

As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and requires a minimum of 246 units. Relevant policies and goals related to hazards and hazardous materials are provided below:

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

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

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

Policy 2.7: Discourage residential development of steep slopes, canyons, and floodplains.

GOAL 3: The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

IMPACT ANALYSIS AND MITIGATION MEASURES

Research was conducted through field and laboratory investigations, along with evaluation of geotechnical conditions in the area by GeoTek, Inc. (Appendix G).

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

    a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault.

b. Strong seismic ground shaking.

c. Seismic-related ground failure, including liquefaction.

d. Landslides.

2. Result in substantial soil erosion or the loss of topsoil.

3. Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

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

5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

PROJECT IMPACTS AND MITIGATION

RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF ALQUIST-PRIOLO FAULT

Impact 3.6-1	**The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Impacts would be less than significant.**

Southern California, including the project site, is subject to the effects of seismic activity because of active faults that traverse the region. Active faults are defined as those that have experienced surface displacement within Holocene time (approximately the last 11,000 years) and/or are in a state-designated Alquist-Priolo Earthquake Fault Zone. No known active faults transect or project toward the project site, nor is the project site located within an earthquake fault zone mapped by the state or by the County of San Diego. The nearest fault is the Newport-Inglewood-Rose Canyon Fault Zone, approximately 4 miles southwest of the project site.

Although no active faults traverse the project site, all new development would be required to comply with the requirements of the Alquist-Priolo Fault Zoning Act and the CBC. CBC

requirements address structural seismic safety and include design criteria for seismic loading and other geologic hazards, including design criteria for geologically induced loading that govern sizing of structural members, building supports, and materials and provide calculation methods to assist in the design process. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Furthermore, the proposed project would prepare, or cause to be prepared, a Final Geotechnical Report which would provide site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and myriad other recommendations to ensure all buildings are constructed to appropriate engineering requirements. Following these requirements would further minimize or reduce potential safety risks to project residents and guests.

Because of the distance to the nearest fault and the magnitude of past seismic activity, the proposed project would neither negate nor supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, nor would the proposed project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING

Impact 3.6-2	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.**

Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Newport-Inglewood-Rose Canyon Fault Zone. The project site is likely to be subjected to strong ground motion from seismic activity, similar to that of the rest of San Diego County and Southern California, due to seismic activity in

the region as a whole. Regardless of seismic activity anticipated to occur on-site, the proposed project would be designed in accordance with CBC requirements that address structural seismic safety.

All new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. These measures include design criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Project conformance with CBC and local requirements relative to grading and construction would ensure that the proposed project does not result in exposure of people or structures to potentially substantial adverse effects involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Risk of Loss, Injury, or Death Involving Seismic-Related Ground Failure

Impact 3.6-3	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Impacts would be less than significant.**

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. Liquefaction normally occurs in soils such as sand in which the strength is purely friction. However, liquefaction has occurred in soils other than clean sand. Liquefaction occurs under vibratory conditions such as those induced by a seismic event.

According to findings in the Preliminary Geotechnical Evaluation, the potential for liquefaction on-site is considered very low due to the presence of dense, very old paralic deposits and planned engineered fill. Additionally, the depth to groundwater at the site is estimated to be approximately 9-14 feet (see Section 3.8, Hydrology and Water Quality). Based on the depth of groundwater, significant groundwater related issues are not anticipated. Given the soil composition and estimated depth of groundwater, the potential for soil liquefaction on the

project site is considered very low (Appendix G). Project design and construction would incorporate standard design measures to address potential seismic-related liquefaction and related effects such as settlement and lateral spreading, including similar types of measures from the CBC as noted above in Impact 3.6-2. With incorporation of such measures into project design and construction, potential impacts associated with seismic-related ground failure and liquefaction would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO LANDSLIDES

Impact 3.6-4	**The project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Impacts would be less than significant.**

Non-seismically induced landslides can be caused by water from rainfall, septic systems, landscaping, or other origins that infiltrate slopes with unstable material. The project site is generally flat. No landslides or indications of slope stability conditions were noted at the project site during field exploration or review of available geologic literature, topographic maps, or aerial photographs (Appendix G). The potential for landslides to occur on-site is therefore considered to be negligible for design purposes. The proposed project would not expose people or structures to potential risk of loss, injury, or death involving landslides. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOIL EROSION OR LOSS OF TOPSOIL

Impact 3.6-5	**The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.**

Soil erosion may result during construction of the proposed project, as grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. A stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges, would be implemented during construction. Further, all project construction activities would occur in conformance with the

recommendations of the SWQMP, as well as the City of Encinitas BMP Design Manual for compliance with local City and regional MS4 Permit (California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0100) requirements for stormwater management; refer also to Section 3.8, Hydrology and Water Quality, and Appendix H of this EIR. Additionally, the proposed project would be subject to requirements of the City of Encinitas Grading, Erosion, and Sediment Control Ordinance (City Municipal Code Section 23.24) and to grading plan conditions of approval, such as repairing/reseeding/replanting eroded areas and adding erosion control blankets, to ensure that the potential for erosion during project construction is minimized and water quality is maintained.

The project proposes the use of biofiltration basins and vaults to meet the treatment and flow control requirements listed in the City of Encinitas BMP Manual for post-construction BMPs. During project occupancy, a homeowners association would be formed and would be responsible for long-term maintenance of the on-site stormwater facilities in perpetuity, as required by the City. As shown in Table 3.8-2, Peak Flow Rate Comparison - Mitigated (100 Year, 6 Hour), incorporation of proposed site improvements and BMPs would mitigate peak flows in drainage areas A-1, A-4, A-5, A-6 and A-7 to approximately 2.52 cubic feet per second (cfs) which would alleviate the existing flooding issues on Sidonia Street during large storm events when compared to existing conditions. Similarly, the proposed project would reduce stormwater flow rates for drainage areas B-2 and B-3 to approximately 2.97 cfs as compared to existing conditions (3.03 cfs). As such, no increase in the amount or rate of stormwater runoff from the site would occur with project implementation as required under the MS4 permit, thereby reducing the potential for erosion to occur.

With conformance to applicable federal, state, and local regulations, and implementation of appropriate construction and post-construction BMPs, the proposed project would not result in substantial soil erosion or the loss of topsoil. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

UNSTABLE GEOLOGIC UNIT OR SOIL

Impact 3.6-6	**The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would be less than significant.**

Refer to Impact 3.6-4 above pertaining to the potential for landslides to occur.

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface.

Based on the evaluation in the Preliminary Geotechnical Evaluation, the potential for liquefaction on-site is considered very low due to the presence of dense, very old paralic deposits and planned engineered fill (Appendix G). Considering planned grading and foundation design measures, dynamic settlement potential is also considered insignificant. Further, based on the low susceptibility to liquefaction and the formational material unit underlying the site, the possibility of earthquake-induced lateral spreading is not anticipated. Subsidence is also not anticipated to be a design factor due to the underlying very old paralic deposits. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPANSIVE SOILS

Impact 3.6-7	**The project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be less than significant.**

Expansive soils contain significant amounts of clay particles that swell considerably when wetted and shrink when dried. Based on laboratory testing and observations conducted by GeoTek, Inc., the majority of the on-site material is expected to have a low expansion potential (Appendix G). Accordingly, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SEPTIC TANKS

Impact 3.6-8	**The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.**

The project site is located within the Encinitas Sanitary District; the Leucadia Wastewater District abuts the subject property to the north. Wastewater treatment service for the proposed project would be provided by the Encinitas Sanitary District.

The proposed project will sewer to the existing collection system in Leucadia Boulevard. Project flows will be conveyed to Sidonia Street, and then will be conveyed south to a point of connection to the existing City sewer system in Leucadia Boulevard.

Accordingly, the proposed project would not require septic tanks or alternative wastewater disposal systems. Therefore, **no impact** related to septic tanks or alternative wastewater disposal systems would occur.

Mitigation Measures: None required.

Level of Significance: No Impact.

PALEONTOLOGICAL RESOURCES OR UNIQUE GEOLOGIC FEATURES

Impact 3.6-9	**The project would have the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant with mitigation incorporated.**

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. The project site is generally underlain by very old paralic deposits (Lindavista Formation) and Santiago Formation. The Lindavista Formation is assigned a moderate paleontological sensitivity and the Santiago Formation is considered to have a high paleontological sensitivity (Appendix I). The depth of grading and excavation is approximately five feet. Therefore, there is a possibility for the unanticipated discovery of

paleontological resources during project-related ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure **GEO-1** would address the inadvertent discovery of previously unknown paleontological resources. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

GEO-1 **Paleontological Data Recovery and Monitoring Plan:** A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.

1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department:

    a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.

    b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.

    c. The qualified paleontologist or paleontological monitor shall be on-site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic 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.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.6-10	**The project would have the potential to result in a significant cumulative impact related to geology and soils. Impacts would be less than cumulatively considerable.**

Geographic Scope

Risks related to geology and soils are typically localized in nature because they tend to be related to on-site conditions or conditions caused by a project's construction. Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to geology and soils, are identified in Table 3-1 and Figure 3.0-1 in Section 3.0 of this EIR. Cumulative projects were chosen based on proximity to the proposed project. The majority of the cumulative projects are similar to the proposed project regarding construction and operational activities.

These selection factors are appropriate in the context of geology and soils cumulative impacts because generally there needs to be a direct nexus and similar geologic conditions for a synergistic impact to occur, such as site modifications at nearby projects combining to destabilize soils. Currently, there is not a known existing significant cumulative impact related to geology and soils within this geographic scope.

Potential Cumulative Impacts

As discussed above, like much of Southern California, the project site is located in a seismically active area. All areas of San Diego County are considered seismically active to a lesser or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, in combination with related projects, would result in significant cumulative impacts. However, the effects of the cumulative projects are not of a nature to cause cumulatively significant effects from geologic impacts, or on soils, because such impacts are site-specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location.

The proposed project would require grading of portions of the subject property to allow for development as proposed. The resulting project site would not be visually or topographically different from existing development surrounding the project site. Although construction activities would have the potential to result in erosion on the project site, adherence to the recommendations in the geotechnical report and other grading and building requirements would mitigate erosion impacts to less than significant levels. Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion impacts. Specifically, all planned projects in the vicinity of the proposed project would be subject to environmental review and would be required to conform to the City's General Plan and CBC.

Other projects may be located in areas considered sensitive for paleontological resources. Such projects would be required to implement mitigation similar to mitigation measure **GEO-1** to reduce potential impacts to paleontological resources to less than significant levels. With adherence to grading and building requirements, the proposed project would not contribute to cumulative impacts for geologic, seismic hazards, or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, state, and federal building and safety standards prior to City issuance of grading and/or building permits. As a result, cumulative impacts related to geology and soils would be **less than cumulatively considerable.**

Mitigation Measures: Implement mitigation measure **GEO-1.**

Level of Significance: Less than cumulatively considerable.

This section evaluates potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is based on the *Phase I Environmental Site Assessment* (*Phase I ESA*) (2020a; Appendix J) prepared by GeoTek, Inc. Additionally, soil sampling was performed onsite and the results are included in the *Limited Additional Soil Sampling* (2020b; see Appendix K-1), the *Soil Management Plan* (2020c; Appendix K-2); and the *Report of Supplemental Sampling Results* (2020d; Appendix K-3), all of which were also prepared by GeoTek, Inc. Additionally, the applicant has received a *Voluntary Assistance Program Concurrence Letter* (2020b; Appendix K-4) and *Approval Letter for the Soil Management Plan* (2020c; Appendix K-5) from the County of San Diego Department of Environmental Health. Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Hazardous Materials and Waste Defined

Under Title 22 of the California Code of Regulations (CCR), the term *hazardous substance* refers to both hazardous materials and hazardous wastes, and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (22 CCR Section 66261.30). A hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and the inherent toxicity of a material.

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of

exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over a project.

Existing Conditions

The project site is located at the northwest corner of the Leucadia Boulevard and Quail Gardens Drive intersection, in the Leucadia community of Encinitas, in central coastal San Diego County. The Encinitas Ranch Golf Course is located to the east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development lies west of the project site. The Magdalena Ecke Open Space Preserve borders the site along the entire northern property boundary.

The site appears to have generally been vacant land up to 1970, with exception of the existing residence in the southwestern portion of the site and potential crop disking for agricultural use. The site appears to have been improved to its current condition and use as a botanical nursery between 1970 and 2005 (Appendix J).

Presently, the project site supports an active botanical nursery. The site contains greenhouses that cover a majority of the property, storage tanks, detached storage structures, restroom facilities, and a single-story residential structure located in the southwestern portion of the site. A perimeter road traverses the northern portion of the project site and two throughway roads provide access in the east–west direction. The on-site roads are made of dirt, asphalt-concrete, and/or Portland concrete cement. Power poles providing electrical service to the site are visible. However, within the property boundaries, the lines are undergrounded.

Environmental Site Assessment

A Phase I ESA is a report that identifies existing and potential environmental contamination liabilities. The analysis in a Phase I ESA typically addresses both the underlying land and physical improvements to the property and includes examination of potential soil contamination,

groundwater quality, surface water quality, and indoor air quality. The examination of a site may include a survey of past uses of the property, definition of any chemical residues in structures, identification of possible asbestos-containing building materials and lead paints, inventory of hazardous substances stored or used on the site, assessment of mold and mildew, and evaluation of other indoor air quality parameters. A Phase I ESA is generally considered the first step in the process of environmental due diligence and does not include sampling of soil, air, groundwater, or building materials.

The objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in American Society for Testing and Materials (ASTM) International E1527-13 as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." According to the ASTM Phase I ESA standard, the term *recognized environmental condition* is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

The Phase I ESA conducted for the project site consisted of (1) a reconnaissance of the subject property; (2) a search of regulatory agency records; (3) review of available historical aerial photographs, topographic maps, Sanborn fire insurance maps, and City Directory listings; (4) interviews of property owners; and (5) preparation of the Phase I ESA report detailing the findings of the investigation.

GeoTek conducted a site reconnaissance visit on October 24, 2019. The key findings of the Phase I ESA are summarized below.

Hazardous Substances

Visual evidence of hazardous substances was observed during the site visit. Specifically, a notice attached to the entrance of two nursery greenhouses was observed that stated that the substance CHIPCO 26GT (a fungicide) was being spray-applied to botanical plants on the date of the site reconnaissance. A notice on the outside of an on-site storage shed was also observed indicating that nitric acid was stored inside. Additionally, hydrochloros acid was observed in one

of the buildings. The southeastern portion of the site is currently utilized as an outdoor fertilizer storage yard. No pungent or acrid odors were observed emanating from the site (Appendix J).

Indications of Solid Debris Storage

Trash, debris, and recycling containers were observed on-site. Large piles of waste were not observed. Waste disposal services for the site are provided by EDCO.

Groundwater Wells, Cisterns, Cesspools, or Septic Tanks

Underground ground storage tanks (i.e., cisterns or points of groundwater collection) were observed around the perimeter on the site.

Storage Tanks

Several aboveground storage tanks, ranging in size from approximately 500 gallons to over 10,000 gallons, were observed on-site. The tanks are either not labeled or labeled as water, diesel, or nitric acid. The tanks appeared to be constructed of steel and painted, then wrapped in a protective coating or thermally insulated. A tank labeled as diesel was located within a secondary containment to prevent spills or leaks from impacting the underlying soil (Appendix J).

Polychlorinated Biphenyls (PCBs)

A leaking trash compactor in the northern portion of the site was observed during the site visit. The leak appeared to have impacted a substantial volume of soil near the transformer. As such, the contaminated soil represents a recognized environmental condition (REC) due to the presence of PCBs as well as petroleum hydrocarbons.

Asbestos and Lead-Based Paint

Due to the age of the existing structures on-site, it is possible that the structures contain asbestos and lead-based paint related construction products as these products were prevalent prior to the 1970s. Prior to demolition of the existing on-site buildings, an asbestos and lead material survey will be required to evaluate potential hazards resulting with proposed demolition and disposal activities (Appendix J).

Hazardous Waste Site Database Results

According to the regulatory database search (Appendix J), 10 facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e.

based on hydro-geologically down or cross-gradient). Refer to Table 3.7-1, Environmental Database Records Search Results, and the discussion below for a brief summary of the identified sites.

Table 3.7-1: Environmental Database Records Search Results

Environmental Database	Minimum Search Distance	On-site	Adjacent	Total Listed
CEPA – EnviroStor Database (formerly CALSITES)	0.5 miles	0	0	2
CEPA – Leaking Underground Storage Tanks (LUST)	0.5 miles	1	0	4
Other Databases	Up to 1 mile	6	0	8

Source: Appendix J

EnviroStor Database

The project site is not listed on the EnviroStor database. However, there are two EnviroStor facilities located within 1.0 mile of the project site. The two facilities are summarized below.

Quail Gardens Agricultural Education Facility

The Quail Gardens Agricultural Education Facility is located approximately 0.5 miles from the project site at 499 Quail Gardens Drive in Encinitas. The 10-acre site has historically supported agricultural operations (i.e., poinsettia farm). The site currently supports the Encinitas Union School District's Farm Lab & DREAMS Campus which is an educational facility that offers research buildings, community gardens, and organic agriculture fields. Due to prior and current agricultural use of the site, there is a potential for soil contamination from pesticide and herbicide applications. Elevated levels of methane were also detected on-site. However, the case for this site has been closed and no further remediation or inspections are required (Appendix J).

Proposed Encinitas School Site

The proposed Encinitas School site is located approximately 0.6 miles south of the project site at the northeast corner of Quail Gardens Drive and Paseo De Las Verdes in Encinitas and is currently the site of the Encinitas Union School District Farm Lab & DREAMS Campus (see description above). The site is bordered by single-family residences to the north and east, a golf course to the northeast, a playground to the southeast, and Quail Gardens Road to the west. The site was used for agricultural production from 1939 to 1997. In 2002, the site was graded as part of the Encinitas Ranch Development.

In January 2010, the Department of Toxic Substances Control (DTSC), which oversaw site remediation, concluded that no further environmental investigation was required. However, additional investigation/mitigation measures for methane may be necessary if expansion of the

school to include classroom structures on the southern portion of the site occurs in the future (Appendix J).

Leaking Underground Storage Tanks (LUST)

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in the following potential threats to health and safety (SWRCB 2019):

- Exposure from impacts to soil and/or groundwater
- Contamination of drinking water aquifers
- Contamination of public or private drinking water wells
- Inhalation of vapors

The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database. According to the Phase I ESA, there are four facilities on the LUST list within 0.5 miles of the project site. Due to the status listings and the elevation in reference to the project site, analysis in the Phase I ESA determined that the listed facilities do not represent an environmental concern to the project site; refer to Appendix J for additional discussion.

Other Databases

As determined in the Phase I ESA, the project site is also listed in the following databases:

- San Diego County – Hazardous Materials Management Division Database (HMMD SAN DIEGO)
- State Water Resources Control Board – Spills, Leaks, Investigation and Cleanup Cost Recovery Listing
- California Environmental Protection Agency – Reporting System (CERS Haz Waste), the Facility and Manifest Data (HAZNET), and California Environmental Reporting System
- DTSC and San Diego Regional Water Quality Control Board – Deeds Restrictions Listing
- Environmental Protection Agency – Facility Index System/Facility Registry System (FINDS) and the Enforcement & Compliance History Information (ECHO)
- Resource, Conservation and Recovery Act (RCRA) – Non Generator

The listings with CERS, HAZNET, ECHO, FINDS, RCRA – Non Gen and HMMD are all related to the site. However, these listings do not represent an environmental concern to the site due to the proximity, elevation, and status. Refer to Appendix J (Section 6.2.15, Other Databases) for additional details of the database results.

Drainage

On-site drainage is generally to the south–southwest, conforming to the natural topography in the area. Ponded water was not observed during the site reconnaissance. However, water was observed to be flowing in concrete culverts to a drainage collection system surrounding the perimeter of the site. This flowing water has the potential to contain waste chemicals washed off of the ground surface. This represents an environmental concern.

The subject property has a permitted recycling water program authorized for use. San Diego County Department of Environmental Health has issued permit no. LREC_2987_01-05-2010. In general, the permit notes the system to contain recycled water tanks, potable water tanks, mixing tanks, meters, injectors, and a layout for different water points of use across the site. A copy of the permit is included in Appendix B of Appendix J.

REGULATORY FRAMEWORK

Federal

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act requires infrastructure at the state or local level to plan for emergencies resulting from potential release of chemical materials. Any documented information pertaining to a specific release at a site is required to be made publicly available so that interested parties may become informed about potentially dangerous chemicals released in their community. Sections 301 through 312 of the act are administered by the US Environmental Protection Agency's Office of Emergency Management.

Hazardous Materials Transportation Act

Under Title 49 of the Code of Federal Regulations, the US Department of Transportation is responsible for regulating the transport of hazardous materials. The California Highway Patrol and the California Department of Transportation are primarily responsible for enforcing federal and state regulations pertaining to such activities and for responding to any related emergencies. These agencies are also responsible for necessary permitting for the transport of hazardous materials.

Toxic Substances Control Act

The Toxic Substances Control Act phased out the use of asbestos and asbestos-containing materials in new building materials. The act identifies requirements for the use, handling, and disposal of asbestos-containing materials. Additionally, Section 402(a)(1) of the act establishes disposal standards for lead-based paint.

Resource Conservation and Recovery Act (as Amended by the Hazardous and Solid Waste Amendments of 1984)

The RCRA generally communicates federal laws pertaining to hazardous waste management and provides for a "cradle to grave" approach to the regulation of hazardous wastes. The RCRA requires any entity generating hazardous waste to identify and track such substances from generation to recycling, reuse, or disposal. The DTSC implements the RCRA program in combination with other state hazardous waste laws, collectively known as the Hazardous Waste Control Law.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA "umbrella" to create a cabinet-level voice for the protection of human health and the environment and to ensure the coordinated deployment of state resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality (CalEPA 2017). CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

Also, as required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List (discussed in detail below).

California Fire Code

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Part 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

The California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste (DTSC 2020).

Strategic Fire Plan for California

The 2019 Strategic Fire Plan was prepared by the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (Cal Fire) for the purpose of statewide fire protection. The plan is aimed at improving the availability and application of data on fire hazards and risk assessment; land use planning relative to fire prevention and safety; facilitating cooperation and planning between communities and the multiple fire protection jurisdictions, including county- and community-based wildfire protection plans; establishing fire resistance in assets at risk; shared visioning among multiple fire protection jurisdictions and agencies; assessment of levels of fire suppression and related services; and appropriate recovery efforts following the event of a fire.

Federal/State Occupational Safety and Health Act

Federal and state Occupational Safety and Health Act laws provide for the education of handlers of hazardous materials; employee notification for those working with or in proximity to hazardous materials; acquisition of product safety data sheets and manufacturing data for proper use and handling of hazardous materials; and remediation training for employees for accidental release of hazardous materials. The act requires preparation of an Injury and Illness Prevention Program, which outlines measures to ensure employee safety such as inspections, how to address unsafe conditions, employee training, and communication protocols.

Regional

San Diego County, Site Assessment and Mitigation Program

The San Diego County Department of Environmental Health (DEH) maintains the Site Assessment and Mitigation (SAM) list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The primary purpose of the County's SAM program is to protect human health, water resources, and the environment in the county by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Voluntary Assistance Program also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

Certified Unified Program Agency

The County of San Diego is the Certified Unified Program Agency (CUPA) for the project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the

regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEH, Hazardous Materials Division, has been the CUPA for San Diego County since 1996. All inspectors in the CUPA program are trained environmental health specialists who take part in a continuous education program to ensure consistency and uniformity during inspections.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The purpose of the County's Multi-Jurisdictional Hazard Mitigation Plan is to identify the county's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The City of Encinitas participates in the Multi-Jurisdictional Hazard Mitigation Plan. An important component of the plan is the Community Emergency Response Team, which educates community members about disaster preparedness and trains them in basic response skills, such as fire safety, light search and rescue, and disaster medical operations. The City is one of 20 jurisdictions that support and participate in the team.

San Diego County Department of Environmental Health

The DEH is responsible for protecting and maintaining public health and environmental quality. The department provides public education and outreach programs to promote environmental awareness of potentially hazardous issues while ensuring the implementation and enforcement of local, state, and federal environmental laws, as appropriate. The DEH is generally responsible for ongoing oversight and regulation of food safety, public housing, public swimming pools, small-scale public drinking water systems, mobile home parks, on-site wastewater systems, recreational water, storage tanks and related remediation activities, and proper handling and disposal of medical and hazardous materials and waste.

Local

City of Encinitas General Plan

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Resource Management Element

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

Public Safety Element

Policy 1.13: In areas identified as susceptible to brush or wildfire hazard, the City shall provide for construction standards to reduce structural susceptibility and increase protection. Brush clearance around structures for fire safety shall not exceed a 30- foot perimeter in areas of native or significant brush, and as provided by Resource Management Policy 10. 1.

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

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

Housing Element

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.

City of Encinitas Municipal Code

Toxic Materials, Fire, and Explosion Hazards

Section 30.40.010 of the City of Encinitas Municipal Code states: "All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the City's adopted fire code."

Fire Code

Title 10 of the Municipal Code provides regulations regarding fire prevention in the city and adopts the California Fire Code. The Fire Hazard Severity Zone map is adopted through City Code Chapter 10.02 – Fire Map and is used by several City departments for hazard planning, mitigation and response, land use planning, and in the development review process.

Landscape/Brush Management Regulations

The California Fire Code Title 19, Division 1, Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

The City of Encinitas Design Guidelines (2005) contain landscape guidelines intended to maintain the landscape character of the City. Guideline 7.3.17 indicates that fire retardant/resistant plants shall be used when consistent with fire standards in areas adjacent to natural open space areas and/or fire sensitive areas.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

PROJECT IMPACTS AND MITIGATION

Impacts related to hazards and hazardous materials are analyzed below according to topic. Mitigation measures directly correspond with an identified impact, where applicable.

HAZARDS RELATED TO THE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS

Impact 3.7-1	**The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant.**

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. Such hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and storage and distribution facilities. None of these uses are proposed by the project, rather, the project would consist of residential uses including 197 apartment and 53 for-sale homes, a community recreation center, an agricultural amenity area including a restaurant and farm-stand, event areas and lawns, and a 5.5-acre organic farm area. Additionally, the proposed project would reduce the area of agricultural operations on-site by more than 50 percent as compared to existing conditions and would, therefore, be expected to utilize fewer pesticides than the current agricultural operation. The proposed project would also implement natural growing methods and permaculture techniques that would avoid the likelihood of exposure of the community or surrounding land uses to any harmful emissions from pesticide use.

Construction of the proposed project may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (diesel fuel, motor oil, etc.). The Storm Water Pollution Prevention Plan (SWPPP)

prepared for the proposed project will include standard provisions to avoid significant effects associated with the use of such materials. Once operational, the proposed project would not result in the routine transport, use, or disposal of hazardous materials due to the nature of the uses proposed, such as residential uses and an on-site organic farm. Project operations would not generate hazardous waste. Impacts would be **less than significant impact**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

HAZARDS RELATED TO THE ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

Impact 3.7-2	**The project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant with mitigation incorporated.**

Short-Term Impacts

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. Although care will be taken to transport, use, and dispose of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may arise which could release hazardous materials into the environment. Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for.

Project construction activities would occur in accordance with all applicable local standards adopted by the City of Encinitas, as well as state and federal health and safety requirements intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code.

Stormwater runoff from the site, under both construction and post-construction development conditions, would be avoided through compliance with National Pollutant Discharge Elimination System (NPDES) regulations administered by the San Diego Regional Water Quality Control Board (RWQCB). The project is required to prepare and implement a Construction General Storm Water Permit (Order 2012-0006-DWQ) and stormwater pollution prevention plan (SWPPP) (refer to Section 3.8, Hydrology and Water Quality). The SWPPP is also required as part of the grading

permit submittal package. The contractor would be required to implement such regulations relative to the transport, handling, and disposal of any hazardous materials, including the use of standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local and state laws.

Based on the results of the Phase I ESA, the following RECs are associated with the project site:

- The Phase I ESA identified a leaking trash compactor in the northern portion of the site that appeared to have impacted a substantial volume of soil near the transformer. As such, the contaminated soil represents a REC due to the potential presence of PCBs and petroleum hydrocarbons.

- Due to the age of the existing structures on-site, it is possible that the structures may contain lead-based paint or asbestos-related construction products since these products were prevalent prior to the 1970s. Prior to demolition of the existing buildings, an asbestos and lead material survey will be required to evaluate potential hazards with demolition and disposal.

- The project site currently supports an active botanical nursery. Herbicides, pesticides, and fertilizers used in association with the nursery are considered to be a likely contaminant impacting on-site soils. Additionally, general housekeeping practices (i.e., handling and storage of these substances) were found to be less than optimal for the variety and quantity of chemical products used in on-site operations. As described under Impact 3.7-1, the project would reduce the area of agricultural operations on-site by more than 50 percent as compared to existing conditions and would therefore be expected to utilize fewer pesticides than the current agricultural operation.

Subsequent to preparation of the Phase 1 ESA, GeoTek performed additional soil sampling at 15 locations ranging at depths between the surface and 2 feet below surface across the project site, including around the trash compactor (Appendix K-1). The samples were analyzed for total petroleum hydrocarbons (TPH), organo-chlorinated pesticides (OCPs), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, and selectively for polychlorinated biphenyls (PCBs). The additional soil sampling revealed evidence of subsurface contamination with heavy oils resulting from the leaking trash compactor (shown as GB-1 on Figure 3.7-1, Soil Sampling Location Map). Specifically, TPH in the diesel range (diesel range organics [DROs]) and mid-range organics (MROs) were found to be 24,000 milligrams per kilogram (mg/kg) and 44,000 mg/kg, respectively. However, the sample taken at a depth of 2 feet and 5 feet to the north (directly downgradient) at the surface and 2 feet below the surface

showed DROs and MROs below 100 mg/kg. Therefore, the impacted soil related to heavy oils observed is estimated to be approximately 6 to 8 cubic yards (c.y.) of soil (Appendix K-1). Two additional areas along the western boundary of the site (shown as GB-2 and GB-3 on Figure 3.7-1) were also determined to require remediation as petroleum-based constituents (TPH) were detected above respective reporting limits in shallow soils. Impacted soils at these two locations is estimated to be approximately 2 to 3 cubic yards of soil each (Appendix K-1).

Five borings and 10 soil samples were collected around the perimeter of the site and 8 borings and 16 soil samples were collected within the footprint of the active botanical nursery on-site. During the oil sampling investigation, 2 nursery buildings were not sampled due to an active application of pesticide spray. Although sampling was not performed within these two buildings, sample results collected from other on-site buildings indicated that conditions are consistent throughout the nursery buildings. Analytical results for OCPs, while detecting minor concentrations of DDE, Endosulfan I, Endosulfan II, and Toxaphine, did not detect these chemicals in concentrations above the Regional Screening Levels (RSLs). Analytical results also did not detect VOCs or PCBs, nor were metals detected above RSLs. The metals detected below RSLs are considered to be background levels (Appendix K-1).

Additional on-site soils testing was performed in May 2020, at the request of County DEH (see Appendix K-3). The additional sampling was intended to analyze the potential for OCPs and arsenic on-site. Although a number of the samples detected measurable quantities of the OCP constituent DDD, DDE, DDT, Dieldrin, Endosulfan I and II, Endosulfan Sulfaet, Heptchlor and Toxaphene, as well as arsenic, all concentrations of such substances were found to be below the environmental screening levels for residential soils. Therefore, such substances do not represent a risk to the environment or to human health and no additional investigation is required at the project site with respect to the historic on-site agricultural use (Appendix K-3). As shown in the Voluntary Assistance Program Concurrence Letter, the County DEH has reviewed and accepted the findings of the Limited Additional Soil Sampling and Report of Supplemental Sampling Results and no additional soil testing is required (Appendix K-4).

At the request of the San Diego County Department of Environmental Health, a Soil Management Plan (Appendix K-2) was prepared for the proposed project. This plan was prepared by GeoTek in accordance with County standards and requirements and was submitted to the County DEH for review and approval to ensure that the exposure and handling of any contaminated soils are properly addressed in accordance with applicable federal, state, and local standards. As shown in the Approval Letter for the Soil Management Plan (Appendix K-5), the County DEH has reviewed and accepted the findings of the Soil Management Plan. As described in mitigation measure **HAZ-1**, the project applicant would implement the Soil Management Plan in accordance with the County's approval prior to receiving a No Further Action letter from DEH.

The REC sites identified in the Phase 1 ESA represent the only potentially significant impacts involving the potential release of hazardous materials into the environment. As such, mitigation is required to reduce potential impacts to a less than significant level. As described above, mitigation measure **HAZ-1** would require the applicant to coordinate with the San Diego County Department of Environmental Health and participate in the Voluntary Assistance Program (VAP) regarding the excavation and disposal of the heavy-oil impacted soils identified near the existing on-site trash compactor and at two additional locations located along the western boundary of the site. Mitigation measure **HAZ-1** would ensure that the contaminated soils are properly removed and disposed of off-site as deemed appropriate by the City of Encinitas Planning Division the San Diego County Department of Environmental Health. Additionally, mitigation measure **HAZ-1** would also require that the applicant to implement the Soil Management Plan prior to issuance of a building permit to ensure that the exposure and handling of any contaminated soils are properly addressed in accordance with applicable federal, state, and local standards.

Additionally, mitigation measure **HAZ-2** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos. In addition to compliance with applicable local and state laws and requirements, implementation of mitigation measures **HAZ-1** and **HAZ-2** would reduce short term impacts to **less than significant with mitigation incorporated.**

Long-Term Impacts

The project proposes a mixture of residential uses, agricultural-related operations, passive and active recreational uses, sewer/water connections, and access/circulation improvements typical of residential development. Due to their nature, these uses are not generally expected to involve the routine transport, use, or disposal of hazardous materials in substantial quantities.

Once the proposed project is operational, hazardous material use associated with the residences, agricultural-related and restaurant operations, recreational uses, landscaping, and maintenance would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, pesticides and fertilizer use associated with continuation of the existing agricultural operation and other proposed agricultural-related uses, and use of various other commercially available substances. Development of the project site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals. However, these chemicals are currently in use at the site under existing operations of the commercial flower growing operation. Further, the use of these substances, expected to be in relatively small quantities, would be typical for residential uses, the agricultural-related and restaurant uses, and landscape maintenance and would be subject to applicable federal, state, and local health and

safety laws and regulations intended to minimize health risk to the public associated with hazardous materials.

Adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, state, and local laws and regulations. Project conformance with existing local, state, and federal regulations pertaining to the routine transport, use, storage, or disposal of hazardous materials or hazardous wastes would ensure that potential adverse effects are minimized and that such substances are handled appropriately in the event of accidental release. Therefore, operational impacts would be **less than significant with mitigation incorporated.**

Mitigation Measures:

HAZ-1 Prior to grading permit issuance, the project applicant shall demonstrate that a qualified consultant has been retained to ensure implementation of the project's Soil Management Plan (Geotek, Inc., 6/2/20). The project applicant shall be responsible for ensuring all provisions of the Soil Management Plan are implemented to the satisfaction of the San Diego County Department of Environmental Health (DEH). The remediation measures contained in the Soil Management Plan shall be included in the project's grading plans to the satisfaction of the Development Services Department.

HAZ-2 Prior to building permit issuance, the project applicant shall prepare and submit a remediation closure report and closure request to the San Diego County DEH Voluntary Assistance Program and Encinitas Development Services Department for review and approval. The closure report shall be prepared by a qualified consultant and document compliance with the Soil Management Plan and any deviations from the plan. In addition, the report shall provide a discussion of remedial activities, site observations, soil analytical results, and volume of waste material disposed.

HAZ-3 Prior to building permit issuance, the project applicant shall submit a "Closure Letter" issued by the San Diego County DEH to the Encinitas Development Services Department.

HAZ-4 Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The

asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division).

HAZ-5 If on-site abatement of asbestos and/or lead materials is required, a licensed abatement contractor shall implement the approved abatement work plan prior to demolition of affected structures.

HAZ-6 Prior to building permit issuance, an abatement close-out report shall be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval.

Level of Significance: Less than significant with mitigation incorporated.

Emit Hazardous Emissions Near an Existing or Proposed School

Impact 3.7-3	**The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant.**

The nearest school to the project site is the Capri Elementary School located approximately 0.75 miles to the northwest at 941 Capri Road. The proposed project would replace an existing commercial agricultural operation with an "agrihood" community that would include residential development combined with an on-site organic working farm and related uses. Due to the nature of the uses proposed, it is not anticipated that project operations would result in hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste that would potentially impact any area schools. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

Be Located on a Hazardous Materials Site

Impact 3.7-4	**The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would not create significant hazard to the public or the environment. Impacts would be less than significant.**

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) found 10 facilities in the project vicinity that were identified pursuant to Government

Code Section 65962.5 (see Table 3.7-1, Environmental Database Records Search Results). However, analysis in the Phase I ESA (Appendix J) determined that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distances from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient).

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The project would not create a significant hazard to the public or the environment in this regard. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Safety Hazard Related to a Public Airport or Private Airstrip

Impact 3.7-5	**The project is not located within an airport land use plan and is not located within 2 miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.**

There are no public or private airports located within 2 miles of the project site, and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 4 miles north of the project site; no private airstrips are in the immediate vicinity. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan

Impact 3.7-6	**The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.**

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The City Fire Department is also involved with hazardous materials response. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project would not result in closures of local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site, nor does the proposed project take access off a major circulation roadway which may result in additional response delays. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

Additionally, the design of project access and internal circulation routes, as well as the size and location of fire suppression facilities (e.g., hydrants and sprinklers), would be subject to City standards and made conditions of approval of project plans. The City Fire Department would also review the proposed development plans prior to project approval to ensure that adequate emergency access and on-site circulation are provided.

Therefore, implementation of the proposed project would not impair or physically interfere with an emergency response plan or evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WILDLAND FIRE

Impact 3.7-7	**The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.**

The project site is located in a developed urbanized area surrounded by residential uses, open space, and a golf course. According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map (Cal Fire 2009), the northern portion of the project site is located in a zone designated as Very High Fire Hazard Severity. The proposed project has been designed so that the on-site residential development, which is farther south in the property, is buffered from these areas by the proposed farming and agricultural-related uses (see Figure 2.0-5, Conceptual Site Plan). The farming and agricultural-related uses would effectively provide a buffer of approximately 350 feet. Furthermore, a 30-foot wide linear park is proposed within a 50-foot setback buffer on the western boundary of the project site that would act as an additional firebreak. The linear park would be maintained in accordance to the California Fire Code Title 19, Division 1, Section 3.07 which regulates fire clearances and vegetation management. The

proposed project would also be consistent with City of Encinitas Design Guideline 7.3.17 that states that fire retardant/resistant plants shall be used in areas adjacent to natural open space areas and/or fire sensitive areas. Additionally, it has been determined that fuel modification zones are not required along the western, southern, or eastern property boundaries based on existing conditions.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

The project would be designed in compliance with additional guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires. Impacts related to wildfires would be **less than significant**. Refer also to Subsection 4.5, Wildfire, of Section 4.0, Effects Found Not to be Significant, for more discussion on wildfire issues.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.3-8	**The project would not result in a significant cumulative impact related to hazards and hazardous materials. Impacts would be less than cumulatively considerable.**

Geographic Scope

Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized in nature because they tend to be related to on-site existing hazardous conditions and/or hazards caused by the project's construction or operation. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes specific projects identified in Table 3-1 and Figure 3.0-1 in Section 3.0 of this EIR. The cumulative setting for hazards associated with the proposed project generally consists of existing and future uses in Encinitas in proximity to the Fox Point Farms project.

Potential Cumulative Impacts

Impacts associated with hazardous materials are generally site-specific. As mentioned above, the proposed project must comply with all applicable local and state laws and requirements

regarding the transport, handling, and disposal of hazardous materials and substances. Additionally, the proposed project would implement mitigation measures **HAZ-1** through **HAZ-6** to ensure that the project would not create a significant hazard to the public or the environment. Construction activities occurring within the project site would not restrict access for emergency vehicles that respond to incidents on the site or in surrounding areas.

The City Fire Department would review the proposed development plans prior to project approval to ensure adequate emergency access and circulation, as well as conformance with other fire protection requirements (e.g., sprinkler systems, fire hydrant locations). Additionally, the proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires as the project would be designed to reduce the risk of hazards from a wildfire event through buffering of on-site uses and establishment of fuel modification zones (as applicable).

As with the proposed project, the cumulative projects listed in Table 3-1 would also be required to avoid and/or mitigate impacts relative to hazards and hazardous materials. The proposed project would involve the storage, use, disposal, and transport of limited amounts of hazardous materials to varying degrees during construction and operation/occupancy. Impacts from these activities are anticipated to be less than significant, and similar development projects would also be required to comply with applicable federal, state, and local regulations and policies.

Implementation of mitigation measures **HAZ-1** through **HAZ-6** prior to project construction would minimize the potential for the accidental release or upset of hazardous materials or substances. Additionally, other cumulative projects would be required to coordinate with the City of Encinitas and the City Fire Department to ensure that they do not impede the implementation of an emergency plan or prevent emergency access in the affected area.

Therefore, in combination with other reasonably foreseeable development projects in the region, the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **HAZ-1** through **HAZ-6**.

Level of Significance: Less than cumulatively considerable.

LEGEND

- GB-14 Approximate location of hand auger boring, +5 indicates Five Foot offset from Original boring
- GB-32 Approximate location of additional hand auger borings

FOX POINT FARMS

ENVIRONMENTAL IMPACT REPORT

Soil Sampling Location Map

Figure 3.7-1

Michael Baker INTERNATIONAL

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Not to Scale

Source: Geotek, Inc., 2020

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Section 3.8
Hydrology and Water Quality

This section describes regulations related to hydrology and water quality in the project area, identifies criteria for impacts on hydrology and water quality, and evaluates potential impacts associated with the proposed project. Information in this section is based on hydrology and water quality information obtained from the *Preliminary Hydrology Study* (2020a; Appendix L) and the *Stormwater Quality Management Plan* (SWQMP) (2020b; Appendix M) that were both prepared by Pasco Laret Suiter & Associates (PLSA). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Existing Hydrology and Drainage Conditions

Regional Hydrology

The project site is located within the Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Area Batiquitos Subunit (904.51). Generally, the City drains to three creeks: Cottonwood Creek, Encinitas Creek, and Escondido Creek. Cottonwood Creek drains the central portion of Encinitas and discharges to the Pacific Ocean at Moonlight Beach. Encinitas Creek drains the north-central portion of the City into Batiquitos Lagoon. Escondido Creek drains the southern and northeast (Olivenhain) portions of the City into San Elijo Lagoon.

Local Setting

Drainage

Drainage from the project site predominantly flows east to west and enters into Sidonia Street via surface/sheet flow, which is shown as drainage area A-1 on Figure 3.8-1, Pre-Development Hydrology Node Map. In drainage area A-2, runoff generally flows to the northeast to a concrete brow ditch that conveys the water to an open space lot north of the project site. A concrete brow ditch collects the drainage in drainage area A-3 and pumps it to an existing reservoir at the Encinitas Ranch Golf Course, southeast of the Quail Gardens Drive and Leucadia Boulevard intersection. Drainage within drainage area A-4 generally flows southward into an existing swale before being collected and conveyed eastward via storm drain to an existing storm drain system within Quail Gardens Drive (Appendix L).

Flooding

As illustrated on Federal Emergency Management Agency (FEMA) map panel 06073C1034H, FEMA has not mapped any Special Flood Hazard Areas through the project corridor, which is designated as being in Zone X (Other Areas) (FEMA 2020). The project site is therefore determined to be outside of the FEMA-mapped 100-year floodplain and the potential for flooding to occur is minimal.

Water Quality

Surface Water Quality

In general, stormwater can potentially contain a host of pollutants such as trash and debris, bacteria and viruses, oil and grease, sediments, nutrients, metals, and toxic chemicals. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health. Water quality issues are especially prevalent during rainy periods. However, with non-stormwater urban runoff (i.e., irrigation or car washing) also entering the storm drain system, stormwater pollution can be a year-round problem.

Groundwater Quality

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. The project site is not located within a groundwater basin.

REGULATORY FRAMEWORK

Federal

National Flood Insurance Program

FEMA oversees floodplains and administers the National Flood Insurance Program (NFIP) adopted under the National Flood Insurance Act of 1968. The program makes federally subsidized flood insurance available to property owners in communities that participate in the program. Areas of special flood hazard (those subject to inundation by a 100-year flood) are identified by FEMA through regulatory flood maps titled Flood Insurance Rate Maps. The NFIP mandates that development cannot occur within the regulatory floodplain (typically the 100-year floodplain) if that development results in an increase of more than 1-foot elevation. In addition, development is not allowed in delineated floodways within the regulatory floodplain.

Clean Water Act

The Clean Water Act (CWA) gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) are the agencies with the primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies. The project site is in an area of the state regulated by the San Diego RWQCB.

Section 401, Water Quality Certification

CWA Section 401 requires that, prior to issuance of any federal permit or license, any activity (including river or stream crossing during road, pipeline, or transmission line construction) that may result in discharges into waters of the United States must be certified by the state, as administered by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards.

Section 402, National Pollutant Discharge Elimination System (NPDES)

CWA Section 402 authorizes the SWRCB to issue a NPDES Construction General Storm Water Permit (Order 2012-0006-DWQ), referred to as the Construction General Permit. NPDES regulations in Encinitas are administered by the San Diego RWQCB. Disturbance of 1 or more acre triggers NPDES coverage under the Construction General Permit, which requires:

- Filing of a Notice of Intent (NOI) with the SWRCB;
- Implementation of a stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges; and
- Inspections of all BMPs.

The Construction General Permit also contains requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff.

Section 404, Discharge of Dredged or Fill Materials

CWA Section 404 establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. For purposes of Section 404, the limits of non-tidal waters extend to the ordinary high water mark, established by the fluctuation of water and indicated by physical characteristics, such as the natural line impressed on the bank, changes in

the character of the soil, and presence of debris flow. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts.

Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to CWA Section 401 is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the San Diego RWQCB.

Section 303, Water Quality Standards and Implementation Plans

CWA Section 303(d) requires states to identify "impaired" water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the US Environmental Protection Agency (EPA) for review and approval. This list is known as the Section 303(d) List of Impaired Water Bodies. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily load (TMDL) requirements. The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, prepare the Section 303(d) list, and develop TMDL requirements.

State

Coastal Zone Act Reauthorization Amendments

While stormwater and urban runoff is regulated by the NPDES permitting program, virtually all other nonpoint sources are subject to the Coastal Nonpoint Pollution Control Program (CNPCP) under the Coastal Zone Act Reauthorization Amendments (CZARA). Section 6217 of the federal CZARA established the CNPCP, which requires the EPA to develop, and the states to implement, BMPs to control nonpoint source pollution in coastal waters. Pursuant to CZARA Section 6217(g), the six major categories of nonpoint sources addressed by the amendments are agriculture, forestry, urban areas, marinas, hydromodification projects, and wetlands.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, in cooperation with the CWA, established the SWRCB. The SWRCB and the nine RWQCBs are responsible for protecting California's surface water and groundwater supplies. Section 13000 of the act directs each RWQCB to develop water quality control plans for all areas in its region, to designate the beneficial uses of California's rivers and groundwater basins; these plans are the basis for each board's regulatory program.

The Basin Plan gives direction on the beneficial uses of state waters in Region 9, describes the water quality that must be maintained to support such uses, and includes programs, projects,

and other actions necessary to achieve the standards established in the Basin Plan. The San Diego RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges may affect water quality. These requirements are state waste discharge requirements for discharge to land or federally delegated NPDES permits for discharges to surface water. Responsibility for implementing CWA Sections 401-402 and Section 303(d) is also outlined in the Porter-Cologne Water Quality Control Act.

State Water Resources Control Board, Stormwater Construction General Permit

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

In 1999, the state adopted the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction Activities General Permit) (SWRCB Order No. 2012-0006-DWQ, NPDES No. CAS000002). The Construction General Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the Construction General Permit by submitting an NOI for coverage, developing an SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list the BMPs that the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the Construction General Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the SWRCB is responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

Local

San Diego Regional MS4 Permit

The Regional Water Quality Control Board, San Diego Region (San Diego RWQCB) regulates discharges from Phase I municipal separate storm sewer systems (MS4s) in the San Diego Region under the Regional MS4 Permit. MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the maximum extent possible. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate. As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder in that location. The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Copermittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge stormwater (wet weather) runoff and non-stormwater (dry weather) runoff to surface waters throughout the San Diego region.

San Diego Municipal Storm Water Permit

This Municipal Storm Water Permit (Order R9-2015-0100) requires that each Watershed Management Area co-permittee covered under the permit prepare a Water Quality Improvement Plan that identifies priority and highest priority water quality conditions and strategies which will be implemented with associated goals to demonstrate progress toward addressing the conditions in the watershed.

In February 2016, the County of San Diego (as the Municipal Storm Water Permit permittee representing all cities in the county) approved a BMP Design Manual in accordance with the Municipal Storm Water Permit. The manual identifies mitigation strategies to protect stormwater quality for new development and significant redevelopment in the San Diego region. The manual outlines a template for municipalities in the region to follow in preparing their respective BMP design manuals, and it establishes a series of source control, site design, and treatment control BMPs to be implemented by all priority development projects.

The City has a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in February

2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality.

City of Encinitas General Plan

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

Land Use Element

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Local Coastal Program (from Land Use Element)

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

Public Safety Element

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

Resource Management Element

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

Policy 1.6: Phase out the use of water softeners which utilize salt in the water-softening process to prevent continued degradation of the water.

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine of human health.

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

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

City of Encinitas Municipal Code

Encinitas Municipal Code Chapter 20.08 (Stormwater Management and Discharge Control Ordinance) regulates discharges into the stormwater conveyance system and downstream receiving waters to preserve and enhance water quality for beneficial uses and protect the health, safety, and welfare of the public by:

- Prohibiting non-stormwater discharges to the stormwater conveyance system;
- Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and nonpoint sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives; and
- Protecting watercourses from disturbance and pollution.

Chapter 20.08 establishes the City's legal authority to enforce a wide spectrum of stormwater and water quality related requirements and defines minimum BMP standards for various community sectors including residential, commercial, construction, municipal, and development activities.

Chapter 23.24 (Grading, Erosion and Sediment Control Ordinance) requirements that are applicable to drainage issues are as follows:

- Sections 23.24.150 and 23.24.160. The applicant must submit interim and final erosion and sediment control plans.
- Section 23.24.200. The applicant must submit a proposed schedule for installation of all interim and final erosion and sediment control measures.
- Section 23.24.370. Limits grading between October 1 of any year and April 15 of the following year, unless the plans for such work includes desilting basins or other temporary drainage or control measures.
- Section 23.24.380. Provides guidelines for erosion and sediment control measures during and following construction.

IMPACT ANALYSIS AND MITIGATION MEASURES

Methodology

An assessment of hydrology and water quality impacts was prepared by evaluating the existing hydrology and water quality settings and comparing them to hydrology and water quality conditions that would occur with implementation of the proposed project. An evaluation of the significance of potential impacts on hydrology and water quality must consider both direct effects to the resource and indirect effects in a local or regional context. When considering the significance of an individual impact, the EIR considers the existing federal, state, and local regulations, laws, and policies in effect, including applicable General Plan policies. In addition, the impact analysis considers the project design features that have been incorporated into the project to avoid, reduce, or offset potential impacts.

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

    a. Result in substantial erosion or siltation on- or off-site.

    b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

    c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

    d. Impede or redirect flood flows.

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

PROJECT IMPACTS AND MITIGATION

VIOLATION OF WATER QUALITY STANDARDS

Impact 3.8-1	**The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.**

Stormwater runoff (both dry and wet weather) generally discharges into storm drains and/or flows directly to creeks, rivers, lakes, and the ocean. Polluted runoff can have harmful effects on drinking water, recreational water, and wildlife. Stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of BMPs), rain events (duration, amount of rainfall, intensity, time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. The majority of stormwater discharges are considered nonpoint sources and are regulated by an NPDES Municipal General Permit or Construction General Permit.

A net effect of development can be to increase pollutant export over naturally occurring conditions to adjacent streams and to downstream receiving waters. However, an important

consideration in evaluating stormwater quality from a site is to assess whether it impairs the beneficial use of the receiving waters. Receiving waters can assimilate a limited quantity of various constituent elements, but there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact.

Short-Term Construction

As stated above, drainage from the project site predominantly flows east to west and enters into Sidonia Street via surface/sheet flow, which is shown as drainage area A-1 on Figure 3.8-1, Pre-Development Hydrology Node Map. In Drainage Area A-2, runoff generally flows to the northeast to a concrete brow ditch that conveys the water to an open space lot north of the project site. A concrete brow ditch collects the drainage in drainage Area A-3 and pumps it to an existing reservoir located at the southeast corner of Quail Gardens Drive and Leucadia Boulevard. Drainage within drainage area A-4 generally flows southward into an existing swale before being collected and conveyed eastward via storm drain to an existing storm drain system within Quail Gardens Drive (Appendix L).

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and hazardous materials (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented. In accordance with the requirements of Section A of the Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Therefore, with implementation of BMPs during construction as required by the SWPPP, water quality impacts would be reduced or avoided. Project construction activities would not substantially degrade surface or ground water quality. Impacts would be **less than significant**.

Long-Term Occupancy and Operations

Potential pollutants due to long-term occupancy and operations of the proposed project 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 as well as the proposed on-site agricultural operations.

Under existing conditions, the majority of on-site drainage surface flows to an existing driveway on the western edge of the project site, where it discharges above-ground onto Sidonia Street and ultimately enters the municipal storm drain system at the northerly terminus of Sidonia Street. Once in Sidonia Street, runoff from Drainage Area A-1 flows northerly and enters the existing drainage system located at the intersection of St. Albans Drive. A pre- and post-development hydrology analysis of the existing system has been included as a part of Appendix L to ensure the proposed project would not affect the existing storm drain system. Results of the offsite analysis and supporting calculations are provided in Appendix L.

The proposed project would collect drainage from the majority of on-site areas in water quality treatment/biofiltration basins on the westerly edge of the project site, at which point drainage would be conveyed via a private storm drain to connect to the existing storm drain improvements in Sidonia Street.

As stated in the *Preliminary Hydrology Study* and shown in Figure 3.8-2, Post-Development Hydrology Node Map, runoff from drainage area A-1 would flow north into the proposed cross gutter before being conveyed westward via storm drain and discharged into the proposed biofiltration basin adjacent to Sidonia Street. After being treated and stored on the project site, the runoff would enter the existing storm drain system located at the north end of the street. Runoff generated in drainage areas A-2 and A-3 would be collected via area drains and piped to biofiltration basins where it would be treated and stored. Runoff from these areas would then flow eastward via storm drain and enter into the existing storm drain system located within Quail Gardens Drive. Runoff from drainage areas A-4 and A-5 would be conveyed westward via surface flow and storm drain to the large biofiltration basin located along Sidonia Street. Once treated, the runoff would enter into the proposed storm drain system within Sidonia Street, travel north, and connect to the existing storm drain system located at the north end of the street; refer to Appendix L.

The project proposes the use of biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas BMP Manual for post-construction BMPs. As seen in Table 3.8-1, Peak Flow Rate Comparison – Unmitigated (100 Year, 6 Hour), the unmitigated peak flow from the proposed on-site drainage areas A-1, A-4, A-5, A-6 and A-7 and B-2 and B-3 would exceed or be equivalent to flows under existing conditions. As shown in Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour), post-development flows for all proposed on-site drainage areas would be reduced as compared to pre-development conditions.

Additionally, while the project site currently supports greenhouses, the impervious area credit was not taken for the existing greenhouses in the pre-development condition, as would otherwise be typical per City design standards. However, runoff generated with the greenhouses remaining on-site was included in the project analysis for comparison purposes; refer to Table

3.8-3, Peak Flow Rate Comparison with Greenhouses Included, Mitigated (100 Year, 6 Hour). As shown in Table 3.8-3, post-development flows would be substantially reduced as compared to pre-development conditions (greenhouses included) for all proposed drainage areas (A-1, A-4, A-5, A-6, and A-7; and B-2 and B-3). To reduce flow rates, the project design includes on-site biofiltration basins that would provide hydromodification management flow control and stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit. The biofiltration basins would also provide mitigation for the 100-year storm event peak discharge. The basins would be unlined and designed to retain and infiltrate a significant portion of stormwater flows. The portion of flows in excess of the infiltration capacity would therefore be less, both in volume and in peak flow rate, than that of the existing condition for all storm events.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1, A-4, A-5, A-6 and A-7 would be approximately 3.03 cfs which would alleviate existing flooding issues on Sidonia Street during large storm events when compared to existing conditions (see Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour)). Similarly, the project would reduce stormwater flow rates for drainage areas B-2 and B-3 to approximately 3.20 cfs as compared to existing conditions.

For larger storm events, stormwater runoff not filtered through the engineered soils would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the catch basin. Runoff conveyed via the outlet structure would bypass the small low-flow orifice and be conveyed directly to a proposed drainpipe. Runoff would continue through the drainpipe and discharge to the northwest as it does in the existing condition (Appendix L).

Table 3.8-1 Peak Flow Rate Comparison – Unmitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Unmitigated)[1]	
Drainage Area	**Peak Flows (cfs)**	**Drainage Area**	**Peak Flow (cfs)**
A-1	17.39	A-1, A-4, A-5, A-6 and A-7	43.16
A-2	3.32	N/A*	0
A-3	0.41	N/A*	0
A-4	4.70	B-2, B-3	3.32

[1] "Unmitigated" refers to the condition without the incorporation of BMPs or conformance with other regulatory requirements intended to reduce stormwater flows.
Notes: * = Drainage diverted to Sidonia Street; cfs = cubic feet per second
Source: PLSA 2020a (Appendix L)

Table 3.8-2 Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour)

Pre-Development		Post-Development (Mitigated)	
Drainage Area	**Peak Flows (cfs)**	**Drainage Area**	**Peak Flow (cfs)**
A-1	17.39	A-1, A-4, A-5, A-6 and A-7	3.03
A-2	3.32	N/A*	0
A-3	0.41	N/A*	0
A-4	4.70	B-2, B-3	3.20

Notes: * = Drainage diverted to Sidonia Street; cfs = cubic feet per second
Source: PLSA 2020a (Appendix L)

Table 3.8-3 Peak Flow Rate Comparison with Greenhouses Included, Mitigated (100 Year, 6 Hour)

Pre-Development (Greenhouses Included)		Post-Development (Mitigated)	
Drainage Area	**Peak Flows (cfs)**	**Drainage Area**	**Peak Flow (cfs)**
A-1	52.87	A-1, A-4, A-5, A-6 and A-7	3.03
A-2	8.96	N/A*	0
A-3	1.20	N/A*	0
A-4	11.66	B-2, B-3	3.20

Notes: * = Drainage diverted to Sidonia Street; cfs = cubic feet per second
Source: PLSA 2020a, PLSA, 2020 (Appendix L).

With the proposed on-site improvements and improvements to the existing storm drain system, the project would not result in violation of water quality standards or waste discharge requirements. Rather, it would significantly improve upon existing conditions through the on-site capture and treatment of stormwater. Project operations would not substantially degrade surface or groundwater quality. Potential impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

GROUNDWATER SUPPLIES

Impact 3.8-2 **The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin. Impacts would be less than significant.**

Public water service for the project would be provided by the San Dieguito Water District. Water utility improvements would include connections to the public water system, and would include connections to both potable and reclaimed water systems. The proposed project does not

include the use of groundwater wells. Infiltration would be maintained through project design including detention basins and low-impact design requirements of the MS4 permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

Additionally, the project design incorporates various pervious features: approximately 180,000 square feet of on-site landscaped area, which includes approximately 13,000 square feet of biofiltration BMPs; decomposed granite pathways and surface parking; an edible paseo along Sidonia Street; and approximately 240,000 square feet of land for agricultural-related uses. Such features would allow stormwater to continue to infiltrate through the land surface and contribute to groundwater recharge.

Therefore, the proposed project would not interfere substantially decrease groundwater supplies or interfere substantially with groundwater recharge. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EROSION OR SILTATION

Impact 3.8-3	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.**

The proposed project would not alter the course of a stream or river because such features are not present on-site. As indicated in Impacts 3.8-1 and 3.8-2, the project has been designed to match existing drainage patterns and includes many pervious features that would reduce potential effects on existing on-site drainage patterns.

Implementation of BMPs during construction as required by the SWPPP would ensure that project construction does not result in substantial erosion or siltation on- or off-site. Post-construction BMPs described in the SWQMP (Appendix M) would also ensure that development of the project site does not result in erosion or siltation effects over the long term.

The proposed project would not substantially alter the existing drainage pattern of the site because the majority of the on-site drainage would be conveyed to Sidonia Street and the Encinitas Ranch Golf Course reservoir via private storm drains, similar to that which occurs under existing conditions. However, the proposed project would include construction of on-site

biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

As discussed in Impact 3.8-1, incorporation of proposed site improvements and BMPs would mitigate peak flows in drainage areas A-1, A-4, A-5, A-6 and A-7 to approximately 3.03 cfs which would alleviate the existing flooding issues on Sidonia Street during large storm events when compared to existing conditions (see Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour)). Similarly, the proposed project would reduce stormwater flow rates for drainage areas B-2 and B-3 to approximately 3.20 cfs as compared to existing conditions (4.70 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix L).

Therefore, the proposed project would not result in a change in drainage patterns that would cause substantial erosion or siltation on- or off-site, nor substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

FLOODING ON- OR OFF-SITE

Impact 3.8-4	**The project would not substantially alter the existing drainage pattern of the site or area in manner which would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site. Impacts would be less than significant.**

Refer to Impacts 3.8-1 and 3.8-3 above. The general drainage pattern of the site would remain consistent with existing conditions as a majority of the on-site drainage would be conveyed to the existing storm drainage system on Sidonia Street and Quail Gardens Drive. The proposed project would include additional off-site improvements to extend the existing storm drain within Sidonia Street south to serve the site. All proposed storm drains would be sized to handle the 100-year storm event. The project also proposes the use of on-site biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs. With incorporation of these improvements, the proposed project would alleviate the existing flooding issues on Sidonia Street during large storm events (see Appendix L and Appendix M).

Therefore, the proposed project would not substantially alter on-site drainage patterns, but would instead maintain and improve the existing storm drainage conditions on- and off-site (see Table 3.8-2, Mitigated Peak Flow Rate Comparison Table (100 Year, 6 Hour)). The project as designed would not increase the rate or amount of surface runoff or cause flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

STORMWATER DRAINAGE SYSTEMS AND POLLUTED RUNOFF

Impact 3.8-5	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.**

Refer to Impact 3.8-1, 3.8-3 and 3.8-4 above. The proposed project would not substantially alter existing drainage patterns on-site. As shown in Tables 3.8-1 and 3.8-2, the proposed project would improve stormwater drainage on- and off-site, decreasing the overall rate of stormwater flows from the property. In addition, the project proposes off-site improvements to extend the existing storm drain within Sidonia Street southward to serve the project site, connecting to proposed biofiltration basins. With incorporation of proposed site improvements and BMPs peak flows in drainage areas A-1, A-4, A-5, A-6 and A-7 would be reduced to approximately 3.03 cfs which would alleviate the existing flooding issues on Sidonia Street during large storm events when compared to existing conditions. Similarly, the proposed project would reduce stormwater flow rates for drainage areas B-2 and B-3 to approximately 3.20 cfs as compared to existing conditions (4.70 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix L).

The proposed development and proposed storm drain design would not only be capable of safely conveying the 100-year storm runoff flow, but has included many instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the hydromodification management requirements of the MS4 permit, the on-site bioretention areas would serve as flow-control

BMPs. Additionally, the proposed project would be subject to MS4 permit requirements to reduce polluted stormwater runoff (Appendix L).

Therefore, the proposed project would not substantially alter existing drainage patterns in a manner that would contribute runoff that would exceed the capacity of the affected stormwater drainage system or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

IMPEDE OR REDIRECT FLOOD FLOWS

Impact 3.8-6	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows. Impacts would be less than significant.**

As discussed in Impacts 3.8-1 and 3.8-3, post-construction BMPs described in the SWQMP include the use of on-site biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs. With incorporation of these improvements, the project would alleviate the existing flooding issues on Sidonia Street during large storm events (Appendix M). The proposed on-site biofiltration basins would provide mitigation for the 100-year storm event peak discharge. In addition, the proposed project would not alter the course of a stream or river, as no such features are present on-site.

As illustrated on FEMA map panel 06073C1034H, FEMA has not mapped any Special Flood Hazard Areas within the immediate project vicinity, which is designated as being in Zone X (Other Areas) (FEMA 2020). The project site is therefore determined to be outside the FEMA-mapped 100-year floodplain.

The project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

INUNDATION BY FLOOD, SEICHE, OR TSUNAMI

Impact 3.8-7	**Project implementation would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. No impact would occur.**

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning- County of San Diego- Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009). In addition, based on the distance between the site and large, open bodies of water, inundation of the site due to a seiche event is not anticipated. Additionally, as stated in Impact 3.8-6 above, the project site is located in Zone X as illustrated on FEMA map panel 06073C1034H, which is outside of the FEMA-mapped 100-year floodplain. Therefore, the potential for on-site flooding is considered low.

As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is low, it is not anticipated that project implementation would risk release of pollutants as the result of such events. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN

Impact 3.8-8	**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.**

As described in Impacts 3.8-1 and 3.8-3, the project applicant would prepare and implement a SWPPP that would manage stormwater runoff during construction activities. The SWPPP would include site design and source control BMPs to ensure stormwater runoff and impervious areas are minimized, and natural areas are conserved. The project proposes the use of biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas *BMP*

Manual for post-construction BMPs. With incorporation of these improvements, the proposed project would alleviate the existing flooding and potential pollution runoff issues on Sidonia Street during large storm events. Therefore, the proposed project would not conflict with a water quality control plan.

There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The proposed project is not located within one of these groundwater basins (County of San Diego 2020e). The nearest basin, San Pasqual Valley, is approximately 12 miles east of the project site.

Public water service for the project would be provided by the San Dieguito Water District. Proposed utility improvements would include connections to the public water system. The proposed project does not include the use of groundwater wells. Infiltration would be maintained through project design, including detention basins and low-impact design requirements of the MS4 permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

With compliance with local, state, and federal water quality and groundwater requirements, the proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.8-9	**Implementation of the project would not result in a significant cumulative impact to hydrology and water quality. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, when taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Table 3-1 and Figure 3.0-1 in Section 3.0 of this EIR identify the cumulative projects considered in this evaluation.

Potential Cumulative Impacts

Future development that could contribute to a cumulative hydrology and water quality impact would be subject to the same requirements as the proposed project and would be required to apply with the San Diego RWQCB for an NPDES permit, which would include implementation of BMPs to prevent water quality impacts during construction and operation. Therefore, cumulative impacts related to hydrology and water quality would be less than significant and the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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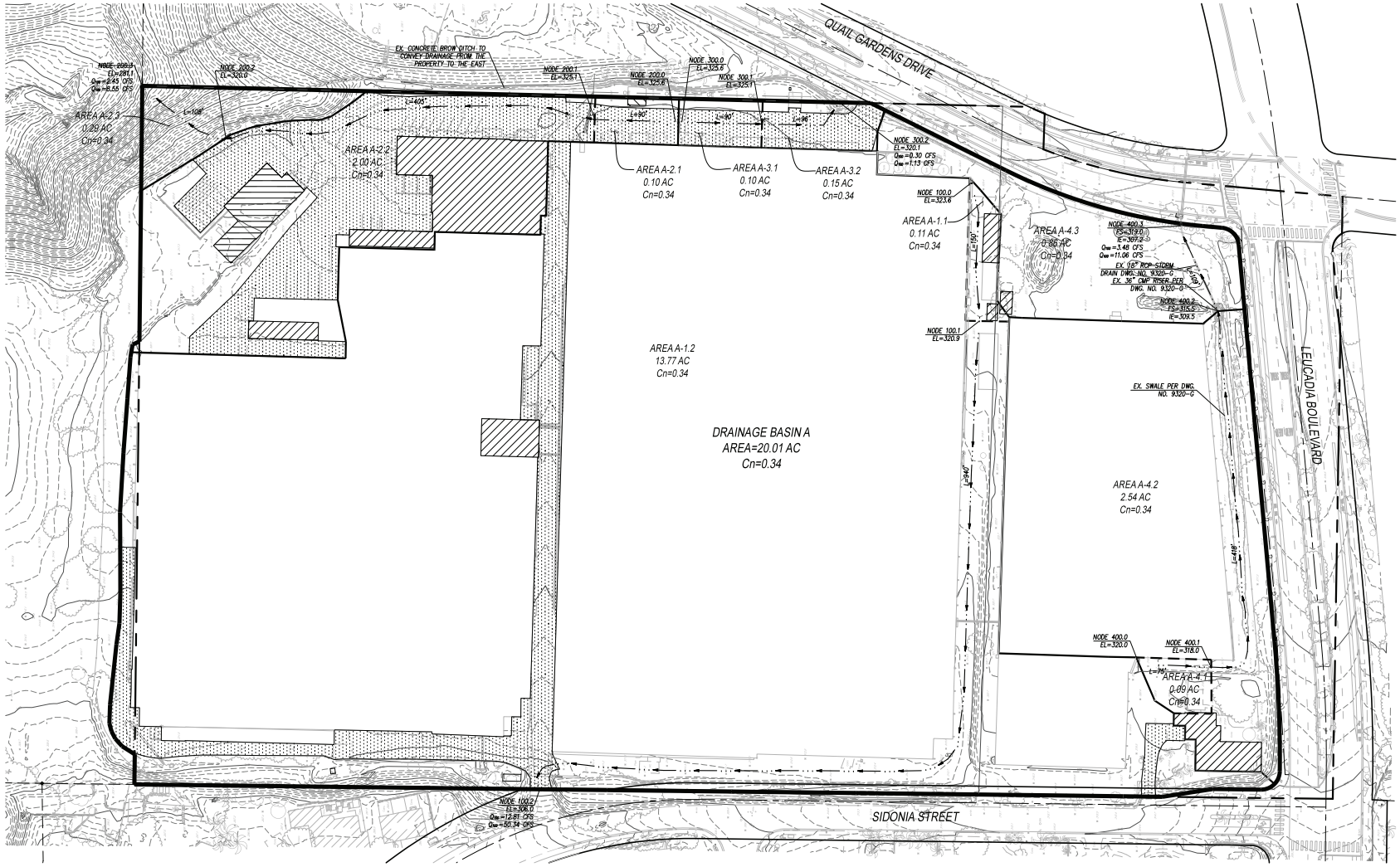

LEGEND

- LIMITS OF EXISTING BUILDING
- LIMITS OF EXISTING AC PAVEMENT
- LIMITS OF EXISTING GREENHOUSE
- STREET CENTERLINE
- RIGHT OF WAY
- PROPERTY BOUNDARY
- DRAINAGE PATH OF TRAVEL
- BASIN BONDARY
- SUB-BASIN BOUNDARY
- INITIAL SUB-BASIN BOUNDAY
- EXISTING CONTOURS

N

0 50' 100' 150'

SCALE: 1"=50'

PLAN VIEW - FOX POINT EXISTING HYDROLOGY

SCALE: 1" = 50'

AREA CALCULATIONS (GREENHOUSE EXCLUDED)

DRAINAGE BASIN TOTAL AREA = 871,740 SF
IMPERVIOUS AREA = 121,250 SF
PERVIOUS AREA = 750,490 SF
PERCENT IMPERVIOUS = 14%
SOIL CLASSIFICATION = D
Cp (PER TABLE 3-1 OF THE SDCHM) = 0.25
Cn = 0.9(% IMPERVIOUS) + Cp(1-% IMPERVIOUS) =
0.9(0.14)+0.25(1-0.14) = 0.34

AREA CALCULATIONS (GREENHOUSE INCLUDED)

DRAINAGE BASIN TOTAL AREA = 871,740 SF
IMPERVIOUS AREA = 701,450 SF
PERVIOUS AREA = 170,290 SF
PERCENT IMPERVIOUS = 80%
SOIL CLASSIFICATION = D
Cp (PER TABLE 3-1 OF THE SDCHM) = 0.25
Cn = 0.9(% IMPERVIOUS) + Cp(1-% IMPERVIOUS) =
0.9(0.80)+0.25(1-0.80) = 0.77

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FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Pre-Development Hydrology Node Map

Figure 3.8-1

Michael Baker INTERNATIONAL

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Source: Pasco Laret Suiter, 2019

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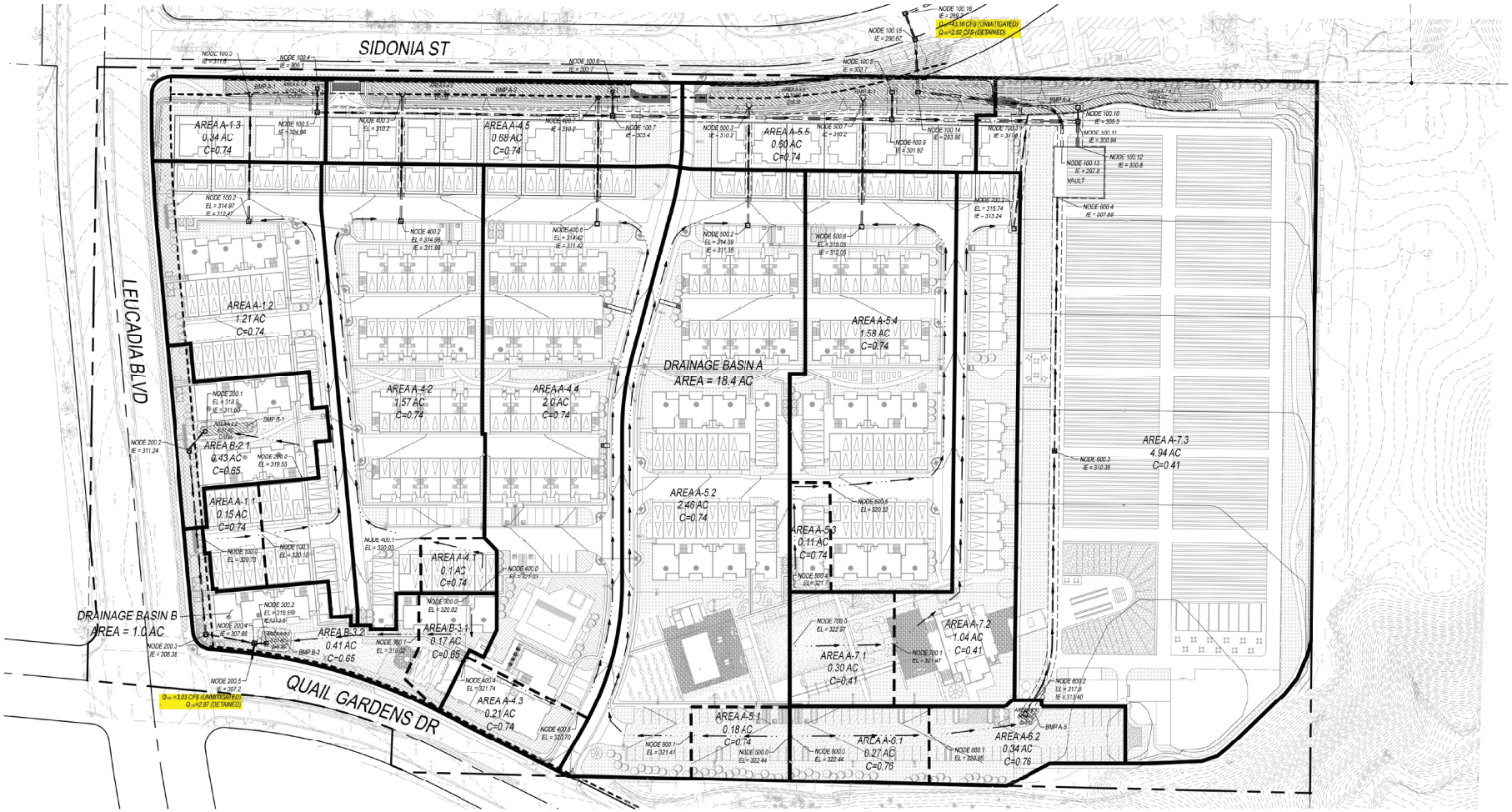

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Post-Development Hydrology Node Map

Figure 3.8-2

Michael Baker INTERNATIONAL

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Source: Pasco Laret Suiter, 2020

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Section 3.9
Land Use and Planning

This section addresses the existing land use and planning conditions of the affected environment and evaluates the proposed project's consistency with applicable goals and policies. Analysis in this section draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

The project site is located at the northwest corner of the Leucadia Boulevard/Quail Gardens Drive intersection, in the Leucadia community of Encinitas. The San Diego County Assessor's Parcel Number (APN) for the property is 254-612-12-00. The project site is one of 15 sites included in the City of Encinitas Housing Element Update (HEU). As part of these approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and allocated a minimum of 246 residential dwelling units.

The Encinitas Ranch Golf Course is located to the northeast/east of the project site. Leucadia Boulevard forms the southern boundary of the subject property. Existing single-family residential development lies west of the project site. The Magdalena Ecke Open Space Preserve borders the site along the entire northern property boundary. The site is within walking/biking distance to Capri Elementary School (0.6 miles), shopping centers on El Camino Real (0.75 miles), and Paul Ecke Sports Park and the YMCA (0.85 miles), and is 0.7 miles from the Leucadia Boulevard/ Interstate 5 (I-5) interchange. Indian Head Canyon, a community resource for open space and trails, is located immediately north of the Magdalena Ecke Open Space Preserve.

One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be demolished with project implementation. The remainder of the project site is occupied by private commercial greenhouse buildings, which are also proposed to be demolished with project implementation. Current uses on the project site largely consist of the cultivation of above-ground potted flowers and other plants for commercial sale, but also include uses ancillary to agricultural operations including general maintenance and use of agricultural equipment including tractors and application of herbicides.

REGULATORY FRAMEWORK

State

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under state planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of seven mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

California Codes

The California Codes are 29 legal codes enacted by the State Legislature, which together form the general statutory law for the State. Unlike the United States Code or other state legal codes, the California Codes have never been consolidated into a single unified code. The official codes are maintained by the California Legislative Counsel for the Legislature.

Local

City of Encinitas General Plan

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

Land Use Element

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

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

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

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

City of Encinitas Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City.

The HEU includes the *2013 - 2021 Housing Element Update* and a series of discretionary actions to update and implement the City's Housing Element. The City is in the process of receiving certification from the State Department of Housing and Community Development (HCD) and Local Coastal Program (LCP) Amendment approval from the California Coastal Commission (CCC) for the HEU. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and requires a minimum of 246 residential dwelling units. Relevant policies and goals related to land use and planning are provided below.

GOAL 3: **The City will encourage the maintenance and preservation of the existing housing stock as well as quality design in new housing.**

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not or cannot be achieved, abatement of substandard units shall be achieved.

Policy 3.2: Enforce the building, safety and housing codes through vigorous code enforcement efforts.

Encinitas Ranch Specific Plan

The Encinitas Ranch Specific Plan (Specific Plan) provides guidelines for mixed-use land development for an approximate 852-acre planning area within the City of Encinitas. The Specific Plan was developed in accordance with the provisions of the *City of Encinitas General Plan*.

The Specific Plan Area is located approximately one mile south of La Costa Avenue and one-half mile north of Encinitas Boulevard, between the San Diego Freeway (I-5) and El Camino Real. The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30) on a portion of the project site, as well as Agricultural (AG) in the northern portion of the project site (refer to Figure 2.0-17, Encinitas Ranch Specific Plan), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 3.9-1 **The project would not physically divide an established community. Impacts would be less than significant.**

The project site is located within an urbanized area of the City of Encinitas on land that is highly disturbed and that supports an existing commercial greenhouse operation. The proposed project would construct a mixed-use "agrihood" community that would include agricultural operations in addition to residential, commercial, and community-serving uses, consistent with the Encinitas General Plan and Local Coastal Plan, Encinitas Ranch Specific Plan and the Housing Element Update. The project site is bounded on the west, south, and east by existing roadways, and by the Magdalena Ecke Open Space Preserve to the north. Existing land uses surrounding the project site include residential uses to the south and west, a golf course to the northeast/east, and open space to the north. Development of the project site as proposed would not directly divide an established community.

Construction of the proposed project would include widening Sidonia Street to the west, along which the project fronts, from 28 feet to 36 feet, as well as improvements on the west side of the existing Sidonia Street right-of-way for curb, gutter, landscape parkway, and a 5-foot wide sidewalk; however, such improvements would be constructed to the City's current street classification and would not divide the existing neighborhood.

It is noted a portion of Sidonia Street, beginning at approximately Sidonia Court and extending north, has already been improved to a full width of 40 feet. These improvements occurred when Sidonia Street was anticipated to connect north to Quail Hollow Drive and serve as another north-south connection like Saxony Road. Subsequently, plans to extend Sidonia Street north were eliminated. As a result, Sidonia Street will remain a cul-de-sac, and the proposed project would only widen Sidonia Street to 36 feet south of the currently improved portion (Sidonia Court).

The access point on Sidonia Street is proposed as gated emergency access only (no vehicular access for residents), consistent with community feedback received during the Notice of Preparation (NOP) scoping period and subsequent discussions between the project applicant and Fox Point neighborhood. A design option to retain full secondary access to Sidonia Street has been analyzed in this EIR (described throughout this EIR as the "Sidonia Secondary Access Option"). If used as a secondary access for the project site, this option would result in approximately 670 average daily vehicle trips accessing Sidonia Street; refer to Appendix O-2. While this option would increase traffic on Sidonia Street, it would not result in any additional widening and would not divide an established community.

Retaining walls are proposed along the western boundary of the project site. The purpose and placement of the retaining walls have been designed in support of the proposed on-site water quality treatment basins (refer to Section 3.8, Hydrology and Water Quality). Portions of these walls would be below grade, mostly along Sidonia Street, south of the proposed emergency access point. A portion of the retaining walls would be above grade, north of the emergency access point. The retaining walls would range in height from approximately 4.5 feet to 6.5 feet.

Because the retaining walls are more than three feet in height, a fence is required at the top of the wall. As such, the project proposes a 5-foot high heavy gauge wire mesh fence on top of the retaining walls which would result in a fence/wall detail between 9 feet and 11 feet in height depending on location (refer to Figure 2.0-12b, Wall and Fence Plan, for typical sections of both the above-grade and below-grade retaining walls and fence detail). Additionally, the inclusion of a retaining wall along Sidonia Street was specifically requested during the NOP comment period, as well as through correspondence to the City regarding safety, traffic, and parking (refer to Appendix A-1). A retaining wall along Sidonia Street would not divide the existing community because Sidonia Street acts as an eastern boundary of existing residential development within the community under current conditions. Rather, the proposed project would extend the existing

residential land use pattern further to the east. Lastly, an edible paseo is proposed along the western portion of the project site, which would provide for a pedestrian connection south to Leucadia Boulevard.

Similarly, off-site improvements associated with the proposed project would not result in indirect division of the community. While development of the proposed project would have environmental impacts as a result of increased intensity of development (as compared to the existing on-site commercial greenhouse operations), it would not divide an established community. Specifically, the proposed project does not include any new or extended infrastructure through existing residential areas that may divide an established community due to the project's location and proximity to major roadways and existing infrastructure systems serving the project site. All off-site improvements proposed are within or adjacent to existing rights-of-way as described in Section 3.12, Transportation, and Section 3.14, Utilities and Service Systems. These improvements include sewer, water and/or storm drain connections in Sidonia Street, Leucadia Boulevard, and Quail Gardens Drive, as well as widening Sidonia Street from 28 feet to 36 feet and improving the entry drive along Leucadia Drive.

Lastly, the proposed project's potential to result in indirect growth or induce additional growth that may divide an established community is addressed in Section 6.3, Growth Inducing Impacts. As determined therein, the proposed project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the proposed project would not result in indirect growth or induce additional growth that may divide an established community. Accordingly, the proposed project would not physically divide an established community. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH AN APPLICABLE PLAN

Impact 3.9-2	**The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant.**

Under the 2019 HEU, the project site was designated with an R-30 overlay on approximately 14.2 acres and allocated between 246 and 296 residential units. Conforming edits were also made to the Encinitas Ranch Specific Plan to add an ER-R-30 zone and apply this new zoning to the project site (see Figure 2.0-17).

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

> *All approvals necessary to implement appropriate zoning and development standards, including CCC approval of an LCP amendment, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article 10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).*

The proposed project is an "agrihood" community that would include 250 residential dwelling units (53 cottages/carriage units/townhomes and 197 apartments) and support an organic farm operation, including farm operation buildings, a farm stand, and a farm-to-table restaurant. The proposed 250 units are within the low-end of the range of units allocated to the project site (246 to 296 units) through the 2019 HEU and the ER-R-30 zone (per the Density Bonus Report, maximum possible units with 35% density bonus is 575 units). Therefore, the project is consistent with the unit count anticipated by the HEU.

Relative to the Development Standards and Policies, the proposed project would be consistent with these standards as determined by the City's review of the project's proposed components. As allowed under State Density Bonus Law, the proposed project is intending to utilize waivers to meet the proposed unit count while providing a variety of housing types, including for-sale homes, and keeping the majority of the buildings within two stories. The proposed project would adhere to Density Bonus Law by providing 40 "very low" income units (affordable to households earning no more than 50 percent of the area median income), which represent 16 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 35 percent increase in unit count), the proposed project is not utilizing Density Bonus Law to increase density on the site.

Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. Two concessions are proposed.

1. Concession 1 – Project Setback from Leucadia Boulevard

   The first concession requested for the project is a reduction in setback from Leucadia Boulevard along the project's southern boundary. Per the Encinitas Ranch Specific Plan, the required setback for structures is 45 feet from the edge of the City-owned right-of-

way. The project's structures will instead be constructed with a setback of 25 feet, or 20 feet less than the existing standard.[1]

2. Concession 2 – Internal Lot 4 Setback Reductions

   The second concession requested for the project is the accommodation of reduced setbacks for the Lot 4 "internal lot" located entirely within the apartment community of Lot 1. None of the reduced setbacks will be readily visible from outside the project boundary. The reduced setbacks are necessary to allow for the construction of a greater number of the 53 for-sale cottages/carriage units/townhomes as less-expensive two-story structures. The project proposes 40 two-story for-sale structures and three 3-story for-sale structures. Without the second concession, the project would require that those two-story for-sale structures be converted to 3-story structures.

   - Waiver 1: Side yard setbacks of structures within Lot 4 from the boundary of Lot 1 will be reduced from 10-feet to 2-feet. Please note, the section of Lot 1 adjacent to Lot 4 consists of a 26-foot-wide access road, not structures, and therefore the requested setback reduction will not result in adjacency conflicts.

   - Waiver 2: Rear yard setback requirements for structures on Lot 4 will be reduced from 10-feet to 7-feet.

   These waivers to implement the second concession would not have an adverse impact upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources (refer to Section 3.4, Cultural Resources). The proposed waivers would also not violate State or federal laws.

Encinitas Ranch Specific Plan

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the 2019 HEU. The Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the subject site. The following amendment description was added to the Encinitas Ranch Specific Plan with the 2019 HEU relative to the project site:

[1] Other Housing Element sites typically require a setback of only 10 feet from adjacent rights-of way pursuant to the R-30-OL zone development guidelines.

1.7 Specific Plan Amendment (Case No. 17-128)

The 2019 Specific Plan Amendment incorporated revisions to the Specific Plan in the Sidonia East Planning Area. In 2019, as part of the City's Housing Element Update, an approximately 16-acre portion of the Sidonia East Planning Area was designated for 246 to 296 multifamily residential units (at a density of 25 to 30 du/ac) as part of an "agrihood" development. The site sits at the junction of a major 4-lane arterial and a local 2-lane road. The owner had expressed interest in developing 250 residential units in conjunction with a working agricultural practice. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site.

Section 3.3.5.c.3 was added regarding the Sidonia East Planning Area, which states:

Approximately 21.5 acres north of Leucadia Boulevard within the Sidonia East Planning Area would be developed as an "agrihood." Of those 21.5 acres, 16 acres shall be zoned ER-R-30 (14.2 acres of usable land, and 1.8 acres within Leucadia Boulevard and Quail Gardens Drive), and the remaining 5.5 acres would remain zoned for agricultural uses. The Agricultural Zone provisions of this Specific Plan encourage the continued agricultural use of portions of the Specific Plan Area and the provision of a favorable setting in which to continue agricultural operations. The "agrihood" concept proposed allows for the continued viability of an agricultural business on the site. Primary vehicular access would be from Quail Gardens Drive, with secondary access as determined appropriate by the City. A fifty (50) foot building setback shall be created along the western boundary of the "agrihood" development to buffer it from existing single family homes to the west. The "agrihood" would consist of a residential development interwoven with amenities such as a community garden, farm field, edible paseos, a barn, and greenhouses. In this way, multi-family housing will be integrated into the agricultural character as part of the "agrihood" development through innovative planning and design.

Under the Encinitas Ranch Specific Plan, the project site is zoned ER-R-30 (30 units/acre) on approximately 14.2 acres and AG (agricultural) on approximately 5.5 acres (it is noted that the Sidonia East Planning Area map, Figure 2.0-17, calls out 9-acres of Agriculture which includes the adjacent property, which is not part of the proposed project). The ER-R-30 designation allows multifamily residential uses up to 30 units/acre. In addition, the following uses are permitted pursuant to Section 6.6.2, Permitted Use:

A. *Permitted Uses. All uses identified as —permitted by right in the R-30 OL zone, as defined in the Encinitas Municipal Code Zoning Matrix, shall be permitted uses within this Specific Plan zone ER-R-30. Additionally, the following uses shall be permitted uses within the ER-R-30 zone.*

- *Agricultural produce sales*
- *Farmers Market*
- *Outdoor dining uses*
- *Outdoor event uses*
- *Farm-to-Table Restaurant*

B. *Permitted Accessory Use. Any use that is not specifically listed in Subsection A above, may be considered a permitted accessory use, provided that the Development Services Director finds that the proposed accessory use is substantially the same in character and intensity as those listed in the designated subsections. Accessory uses are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to the primary use(s).*

The Agricultural Zone provisions of the Specific Plan encourage the continued agricultural use of portions of the Specific Plan area and the provision of a "favorable setting" in which to continue agricultural operations. The "agrihood" concept proposed with the project would allow for the continued viability of an agricultural business on the site, along with agriculture-related uses and amenities. The proposed 250 residential units, as well as the supporting amenity uses (restaurant, farm stand, event space), are consistent with the ER-R-30 zoning and density anticipated by the Encinitas Ranch Specific Plan as amended during the HEU.

City of Encinitas General Plan and Certified Local Coastal Program

The *City of Encinitas General Plan* serves as a policy document that provides long-range guidance to City officials responsible for decision-making with regard to the City's future growth and long-term protection of its resources. The *City of Encinitas General Plan* is intended to ensure decisions made by the City conform to long-range goals established to protect and further the public interest as the City continues to grow and to minimize adverse effects potentially occurring with ultimate buildout. The *City of Encinitas General Plan* also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate. Specific to the project site, the *City of Encinitas General Plan* designates the site as SP-3, which refers to the Encinitas Ranch Specific Plan. As described above, the proposed project is consistent with the Encinitas Ranch Specific Plan. In Section 3.1 to Section 3.14 of this EIR, relevant *City of*

Encinitas General Plan policies and goals are listed in the regulatory sections pertaining to each environmental topic being analyzed.

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

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

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

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

Relative to the City's Local Coastal Program, subsequent to the City's approval of the HEU, the City processed a Local Coastal Program (LCP) Amendment to update the City's LCP to include the

15 HEU sites. On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the project site (on page 24 of the staff report), the Coastal Commission found that:

> *… the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.*
>
> *Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.*
>
> *Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban*

development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.

Relative to the revisions to policies in the Encinitas Ranch Specific Plan, the CCC found the following:

The new ER-R-30 zone will allow for thirty multi-family dwelling units per net acre on the Echter property within the Sidonia East area of Encinitas Ranch. Zoning categories will be modified in order to add the ER-R-30 Overlay, including that agricultural uses will be permitted in a non-agricultural zone within the overlay, as well as where the Park and Recreation Overlay may overlap. Permitted uses will be expanded within the ER-R- 30 zone to allow for agricultural produce sales, farmers market, outdoor dining uses, outdoor event uses, and farm-to-table restaurants.

Policy 29.3 of the Specific Plan will be revised so as to allow for some residential development to occur in conjunction with the continuation of an on-site agricultural business, to which the ER-R-30 Overlay responds. Furthermore, the re-zoning of the Echter property adheres to Policy 29.3 through the clustering of new residential development adjacent to existing development, as described in the Coastal Act conformance section above. Additionally, Section 6.1 and Table 6-2 of the Encinitas Ranch Specific Plan Zoning Ordinance states that in all zones except open space, agricultural uses shall be permitted subject to the development and design guidelines of the Agricultural Zone. Therefore, agricultural uses on the up-zoned Echter property will continue, and the wider application of agricultural uses within the Specific Plan will remain unchanged.

A fifty-foot building setback shall be created along the western boundary of the "agrihood" development to buffer it from existing single-family homes to the west. Development standards for the ER-R-30 Zone will be consistent with those of the R-30 Overlay Zone, including height. Section 7.0 of the Specific Plan, which includes design guidelines for the community, will remain in effect and provide standards for building massing, building colors and materials, and landscaping. The Commission therefore finds the proposed implementing provisions of the Specific Plan consistent with, and adequate to carry out, the policies of the certified LUP.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the proposed project is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the CCC found the City's HEU is consistent with the relevant policies of the CCC. Because the proposed project is consistent with the 2019 HEU, the proposed project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

City of Encinitas Municipal Code

Title 30, Zoning, of the Encinitas Municipal Code was adopted to promote and protect the public health, safety, and welfare through the orderly regulation of land uses in the City. Title 30 is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). Further, the Zoning Regulations are "adopted pursuant to, and to implement provisions of, the City of Encinitas General Plan and certified Local Coastal Program Land Use Plan. The regulatory provisions … shall implement the provisions of the General Plan to carry out the objectives contained therein" (Ord. 94-06).

The City of Encinitas Zoning Map identifies the zoning for the project site as SP-3, which defers to the Encinitas Ranch Specific Plan. See above for additional information on the Encinitas Ranch Specific Plan. As described therein, the proposed project is consistent with the provisions of the Encinitas Ranch Specific Plan.

City of Encinitas Climate Action Plan

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

The City of Encinitas CAP, updated in January 2018, builds upon the goals identified in the 2011 CAP. The updated CAP commits to implementing specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities by targeted dates. The CAP organizes strategies, goals, and actions tied to various emissions sources (e.g., transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater).

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. At the time of preparation of this EIR, the City has not adopted implementing ordinances for these requirements. Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of proposed project measures consistent with the City's CAP. As determined therein, the proposed project would not impede implementation of the City's CAP.

2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

The 2050 RTP plans for a regional transportation system that enhances the quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan

addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. The project site is located within the Urban Area Transit Strategy Boundary in the San Diego Association of Governments' (SANDAG's) Smart Growth Concept Map. Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of project consistency with the Regional Plan, referred to as *San Diego Forward: The Regional Plan*. As determined therein, the proposed project would not impede implementation of the RTP/SCS.

Conclusion

The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the *City of Encinitas General Plan*, Encinitas Ranch Specific Plan, Local Coastal Program, Zoning Ordinance, Climate Action Plan, or SANDAG's Regional Plan, adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.9-3	**The project would not result in cumulative land use impacts. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution to a potential cumulative impact relative to land use and planning are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the proposed project, may conflict with applicable land use plans and policies.

Additionally, to be conservative, the cumulative impact analysis includes 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Land use plans are inherently cumulative in nature due to their long-term programmatic scope; therefore, if a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. As discussed above, the project site is one of 15

sites included in the HEU. As part of the HEU process, potential project-specific impacts were analyzed, as well as potential cumulative impacts from implementation of all the projects combined. The following plans were evaluated as part of the cumulative analysis.

City of Encinitas General Plan and Local Coastal Program

The *City of Encinitas General Plan* serves as the primary land use planning document for the City. As such, other land use related plans and ordinances are required to be consistent with the *City of Encinitas General Plan*. The *City of Encinitas General Plan* provides guidance to ensure future development conforms to the City's established plans, objectives, and/or policies, as appropriate.

The *City of Encinitas General Plan* includes issues and policies related to California Coastal Act requirements; therefore, the *City of Encinitas General Plan* serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the proposed project, each cumulative project within the California Coastal Zone would be evaluated by the City to determine compliance with the LCP to receive a coastal development permit. The proposed project has been designed in conformance with the goals and policies of the *City of Encinitas General Plan* and LCP and would obtain a coastal development permit as part of the discretionary process. Therefore, with compliance goals and policies of the *City of Encinitas General Plan* and LCP, the proposed project is not anticipated to contribute to a significant cumulative impact in this regard when considered with the other cumulative projects.

Encinitas Ranch Specific Plan

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the *City of Encinitas General Plan*, Zoning Map, Local Coastal Program, and the provisions of the 2019 HEU.

None of the cumulative projects are within the boundaries of the Encinitas Ranch Specific Plan. As the proposed project would be in conformance with the Encinitas Ranch Specific Plan, it is not anticipated the project would contribute to a significant cumulative impact in this regard.

Other cumulative projects may be located within another specific plan in the City such as the Downtown Encinitas Specific Plan, North 101 Corridor Specific Plan, or Cardiff Specific Plan. As applicable, cumulative projects would be evaluated for consistency with relevant specific plans with consideration for such issues as housing types, building heights, and consistency with

community character. Therefore, it is not anticipated that implementation of the cumulative projects would conflict with the goals and policies of a relevant specific plan.

City of Encinitas Municipal Code

Zoning regulations are intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). It is the responsibly of the City to review each individual project to confirm compliance with the City's Municipal Code as part of the discretionary approval process. Conformance to the Municipal Code is administered on a project-specific basis. Therefore, with compliance with the Municipal Code, implementation of the cumulative projects would result in less than significant impacts. Because the proposed project is consistent with the current zoning that applies to the property and a rezone is not required or proposed, the project is not anticipated to contribute to a significant cumulative impact in this regard.

City of Encinitas Climate Action Plan

Refer also to Section 3.5, Energy Conservation and Climate Change. Climate action plans outline specific activities that a community or municipality will take to reduce GHG emissions and the potential impacts of climate change within the borders of a particular jurisdiction. The City's CAP contains specific programs and projects aimed at reducing and mitigating the impacts of GHG-emitting activities, such as requiring rooftop solar panels, low-flow fixtures, and solar water heaters on new residential developments.

As climate change is a global issue, not one project or collection of cumulative projects has the potential to significantly affect GHG emissions. However, it has been determined project compliance with the CAP equates to compliance with local and state climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review), implementation of the cumulative projects would result in less than significant cumulative impacts. The proposed project would be consistent with the CAP (see Section 3.5, Energy Conservation and Climate Change); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard.

Conclusion

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, development of the proposed project would not contribute to a significant cumulative land use and planning impact. Impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

The purpose of this section is to evaluate the proposed project's potential noise impacts. This section evaluates short-term construction-related impacts and long-term operational conditions. It also presents relevant regulatory guidelines and County policies related to noise. The analysis in this section is based on the technical *Noise Study*, prepared by Ldn Consulting, Inc. (2020c; see Appendix N) and the *Vehicle Operations and Queuing Analysis*, prepared by Chen Ryan and Associates (2020b; see Appendix O-2). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third-party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Fundamentals of Noise and Vibration

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as airborne sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large and awkward range of numbers. To avoid this, sound levels are described in decibel (dB) units. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The impacts of noise are not a function of loudness alone. The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The decibel scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound and twice as loud as a 60 dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). Under the decibel scale, three sources of equal loudness together would produce an increase of 5 dB (Caltrans 2013).

Sound Propagation and Attenuation

Generally, sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading (FHWA 2011). Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (FHWA 2011). Similarly, a halving of the energy of a noise source would result in a 3 dB decrease. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed (FHWA 2011).

Noise levels may also be reduced by intervening structures or landforms; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA (FHWA 2006). The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Noise Descriptors

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The L_{eq} is a measure of ambient noise, while the L_{dn} and CNEL are measures of community noise. Each is applicable to this analysis and defined in Table 3.10-1, Definitions of Acoustical Terms.

The A-weighted decibel sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Table 3.10-1: Definitions of Acoustical Terms

Term	Definitions
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micropascals (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micropascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.

Table 3.10-1, continued

Term	Definitions
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night. For example, $L_{eq(1)}$ is the equivalent noise level over a one-hour period and $L_{eq(8)}$ corresponds to an eight-hour period.
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01}, L_{10}, L_{50}, L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn} or DNL	A 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
Community Noise Equivalent Level, CNEL	A 24-hour average L_{eq} with a 5 dBA "weighting" during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with

noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in A-weighted noise levels, the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10 dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues

to be disagreement about the relative annoyance of these different sources. For ground vehicles, a noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.

Sensitive Receptors

Noise-sensitive land uses are those that may be subject to stress and/or interference from excessive noise. Typically, residential uses are considered noise-sensitive receptors. Other noise-sensitive land uses include schools, hospitals, and institutional uses such as churches and museums. Industrial and commercial land uses are generally not considered sensitive to noise.

Short-term noise measurements were conducted at two locations in the project vicinity, as shown in Table 3.10-2, Measured Ambient Noise Levels, and on Figure 3.10-1, Ambient Noise Monitoring Locations. The nearest noise-sensitive land uses to the proposed project site are residences along Sidonia Street and Leucadia Boulevard. Monitoring location 1 (M1) is located approximately 40 feet from the centerline of Sidonia Street. Monitoring location 2 (M2) is located approximately 60 feet from the centerline of Leucadia Boulevard. The monitoring locations were chosen based on project site access and potential noise exposure from existing traffic, as well as community activities. As can be seen by the results, noise levels drop as the distance increases from the main roadway (Appendix N).

Table 3.10-2: Measured Ambient Noise Levels

Measurement Identification	Description	Time	Noise Levels (dBA)					
			L_{eq}	L_{max}	L_{min}	L_{10}	L_{50}	L_{90}
M1	Sidonia Street	7 :00 a.m. to 4:00 p.m.	51.8	76.4	39.0	54.5	44.5	40.5
M2	Leucadia Boulevard	7:00 a.m. to 4:00 p.m.	66.0	91.2	43.2	69.5	63.5	53.5

Source: Ldn Consulting, 2020c (Appendix N)

Existing Conditions

Ambient noise in the project area is primarily generated by traffic along Leucadia Boulevard and Quail Gardens Drive, as well as distant traffic noise from Interstate 5 (I-5). The existing agriculture operations on-site also contribute to the ambient noise in the area from the use of heavy equipment and trucks. Other ambient noise sources are typically from the surrounding residential land uses, such as lawnmowers and barking dogs. Ambient noise levels in the vicinity of the project site during the afternoon hours ranged from 51.8 to 66.0 dBA L_{eq}.

Michael Baker INTERNATIONAL

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Not to Scale

Source: Ldn Consulting Inc., 2020

FOX POINT FARMS
ENVIRONMENTAL IMPACT REPORT

Ambient Noise Monitoring Locations

Figure 3.10-1

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REGULATORY FRAMEWORK

Federal

US Environmental Protection Agency

The US Environmental Protection Agency offers guidelines for community noise exposure in the *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise* (EPA 1981). These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other federal agencies have adopted suggested land use compatibility guidelines which indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

State

The California Governor's Office of Planning and Research's (OPRs) noise element guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 3.10-3, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 3.10-1: Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50–60	55–70	70–75	75–85
Residential – Multiple Family	50–65	60–70	70–75	70–85
Transient Lodging – Motel, Hotels	50–65	60–70	70–80	80–85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50–70	60–70	70–80	80–85
Auditoriums, Concert Halls, Amphitheaters	NA	50–70	NA	65–85
Sports Arenas, Outdoor Spectator Sports	NA	50–75	NA	70–85
Playgrounds, Neighborhood Parks	50–70	NA	67.5–75	72.5–85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50–70	NA	70–80	80–85
Office Buildings, Business Commercial and Professional	50–70	67.5–77.5	75–85	NA
Industrial, Manufacturing, Utilities, Agriculture	50–75	70–80	75–85	NA

Source: OPR 2017
Notes: NA: not applicable; L_{dn}: average day/night sound level; CNEL: community noise equivalent level
Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
Clearly Unacceptable – New construction or development should generally not be undertaken.

Local

City of Encinitas General Plan

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

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

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

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

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

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

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

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

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

City of Encinitas Municipal Code

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be "unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to

cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes."

The property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10, "Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone."

Table 3.10-4: City of Encinitas Exterior Noise Limits

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

Source: City of Encinitas Municipal Code 30.40.010(A)

The property line ground vibration limits are summarized in Table 3.10-5, City of Encinitas Ground Vibration Limits. As stated in Section 30.40.10 (B), "Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone."

Table 3.10-5: City of Encinitas Ground Vibration Limits

	Vibration in Inches per Second	
Adjacent Zone	**Impact**	**Steady-State**
Residential	.006	0.03
Commercial	.010	0.05
Light Industrial	.040	0.020
Public/Semi-Public	.010	0.05

Source: City of Encinitas Municipal Code 30.40.010(B)

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact related to noise and vibration if it would result in:

- 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.
- Generation of excessive groundborne vibration or groundborne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

PROJECT IMPACTS AND MITIGATION

EXCEED NOISE STANDARDS	
Impact 3.10-1	**The project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant.**

Noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would each be considered noise sensitive and may warrant unique measures for protection from intruding noise. The nearest sensitive receptors to the project site are the predominantly single-family residences located along Sidonia Street and Leucadia Boulevard (see Figure 3.10-1).

Project Construction

Temporary construction noise levels are expected to be at their highest during grading operations, when the heaviest and most energy-intensive equipment would be utilized on-site. The City of Encinitas requires that noise levels from construction activities do not exceed a

sustained noise level of 75 dBA for more than 8 hours at residential property lines, and that construction activity be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

As detailed in Table 3.10-6, Construction Noise Levels, noise levels from construction equipment during grading activities are expected to range from 73 to 79 dBA at 50 feet from the equipment.

Table 3.10-6: Construction Noise Levels

Construction Equipment	Quantity	Source Level @ 50 Feet (dBA)*	Cumulative Noise Level @ 50 Feet (dBA)
Tractor/Backhoe	3	72	76.8
Dozer	1	74	74.0
Loader/Grader	1	73	73.0
Excavator	1	79	79.0

Notes: *EPA 1971 and Empirical Data
Source: Ldn Consulting 2020c (Appendix N)

Throughout the grading process, construction equipment would operate within 50 feet of a sensitive receptor for a short duration, after which it would move to another part of the project site, further from existing sensitive receptors. Based on the data shown in Table 3.10-6, construction noise levels are only expected to be 75 dBA or greater when construction activities occur within 50 feet of the property line; such conditions would only occur for brief periods of time over a given day. However, construction activities that occur on other portions of the project site are anticipated to be less than 75 dBA due to the large area of the site and the constraint of operating multiple heavy construction equipment simultaneously.

Since all grading activities would occur in the first phase of development and grading near the property lines would occur intermittently throughout the day, noise levels would not result in a sustained noise level of 75 dBA for more than 8 hours at any residential property lines. Therefore, with compliance with the City's Municipal Code (i.e., limiting construction activities to hours between 7:00 a.m. and 7:00 p.m.), project construction noise would not generate a substantial temporary increase in ambient noise levels in the project vicinity in excess of standards established in the General Plan or noise ordinance. Impacts would be **less than significant**.

Transportation-Related Noise Levels

Noise levels are calculated on a logarithmic scale where a doubling of traffic noise, without changing the vehicle speeds or mix ratio, would result in a noise level increase of 3 dBA. Noise level changes greater than 3 dBA are often identifiable as audibly louder by the average resident, while changes less than 1 dBA will not be discernible. As such, increases greater than 3 dBA are considered potentially significant.

The primary sources of transportation noise are from traffic on Leucadia Boulevard and Quail Gardens Drive. Based on traffic data from the *Vehicle Operations and Queuing Analysis* (Appendix O-2), existing transportation noise levels were estimated, then compared to the anticipated future transportation noise level from implementation of the proposed project. Table 3.10-7, Existing vs. Existing + Project Noise Levels, compares the existing conditions and existing conditions plus the proposed project.

Table 3.10-7: Existing vs. Existing + Project Noise Levels

Roadway Segment	Existing Noise Level @ 50 feet (dBA L_{dn})	Existing + Project Noise Level @ 50 feet (dBA L_{dn})	Difference (dBA L_{dn})
Leucadia Boulevard			
I-5 Northbound Ramps to Urania Ave	72.3	72.4	0.1
Urania Ave to Saxony Rd	72.3	72.4	0.1
Saxony Rd to Sidonia St	72.6	72.7	0.1
Sidonia St to Quail Gardens Dr	72.6	72.7	0.1
Quail Gardens Dr to Garden View Rd	73.0	73.0	0.1
Garden View Rd to Town Center Pl	71.7	71.8	0.1
Town Center Pl to El Camino Real	71.9	72.0	0.1
Quail Gardens Drive			
Ranch Rd to Project Driveway	58.6	58.6	0.0
Project Driveway to Leucadia Blvd	58.6	60.2	1.6

Source: Ldn Consulting, 2020c (Appendix N)
Notes: The values do not take into account the effect of any noise barriers, structures, or topography that may further reduce roadway noise levels.

With implementation of the proposed project, overall transportation noise levels would increase between 0.1 dBA L_{dn} and 1.6 dBA L_{dn}, which is below the noticeable audible increase of 3 dBA. It is noted that along the segment of Quail Gardens Road between Project Driveway and Leucadia Boulevard, there are no existing sensitive receptors – this segment is surrounded by existing agricultural operations on the west and the Encinitas Ranch Golf Course on the east. The proposed project's direct contributions to off-site roadway noise increases would therefore not cause a significant impact to any existing or future noise-sensitive land uses. Therefore, the increase in traffic from the proposed project would not generate a substantial permanent increase in ambient transportation noise levels in the project vicinity in excess of standards established in the General Plan or noise ordinance. Impacts would be **less than significant**.

Sidonia Street Secondary Access Option

As described in Chapter 2.0, Project Description, access to the project would be provided via an entrance on Quail Gardens Drive (Project Driveway). However, the option of adding a secondary

access drive on Sidonia Street was also considered. Under this Sidonia Street Secondary Access Option, and at full project occupancy, approximately 622 vehicle trips (to and from the project site) would access the development from Sidonia Street. This total is based on the SANDAG Series 13 trip distribution (Appendix O-2). Utilizing the same methodology as for the Quail Gardens Drive access only scenario above, overall roadway segment noise levels on Sidonia Street would increase by approximately 2.6 dBA Ldn with development of the proposed project (refer to Table 3.10-8, Existing vs. Existing + Project Noise Levels (Sidonia Street Secondary Access Option).

Table 3.10-8: Existing vs. Existing + Project Noise Levels (Sidonia Street Secondary Access Option)

Roadway Segment	Existing Noise Level @ 50 feet (dBA Ldn)	Existing + Project Noise Level @ 50 feet (dBA Ldn)	Difference (dBA Ldn)
Sidonia Street			
Project Driveway (Secondary Access Option) to Leucadia Blvd	53.9	56.5	2.6

Source: Ldn Consulting, 2020c (Appendix N)

The resulting increase would not generate a substantial permanent increase in ambient transportation noise levels in the project vicinity in excess of standards established in the General Plan or noise ordinance. Impacts would be **less than significant**.

Operation

According to Section 30.40 of the City's Municipal Code, properties zoned R-30 have a noise limit of 55 dBA between the hours of 7:00 a.m. and 10:00 p.m., and 50 dBA between the hours of 10:00 p.m. and 7:00 a.m.[1] The most sensitive uses to operational noise sources in the project vicinity would be the existing single-family homes west of Sidonia Street that are zoned R-3. As such, the proposed project must meet the more restrictive R-3 noise standards (50 dBA daytime level and 45 dBA evening standards) at the property line. The following section analyzes the potential worst-case stationary noise levels associated with the occupancy and operation of the proposed project.

HVAC

Noise from the proposed mechanical ventilation systems (heating, ventilation, and air conditioning, or HVAC) would be a potential source of stationary noise. Each residential unit would have a HVAC unit for temperature control installed on the side yard. To predict the worst-

[1] Per Municipal Code Section 30.08.010: "R-30 OL: Residential 30 Overlay is intended to provide for compatible high-density multiple family residential development including apartments, condominiums, and senior housing, with a maximum density of 30 units per net acre and a minimum density of 25 units per net acre. The purpose of the R-30 Overlay Zone is to diversify the housing options available in the community, and expand opportunities for creating affordable housing."

case noise generation, a continuous reference noise level of 74 dBA at 3 feet was used to represent the ground-mounted mechanical ventilation system for each unit even though the HVAC would likely operate intermittently throughout a given day. Additionally, building parapets that would shield the HVAC units on the residential apartment buildings were considered in modeling potential noise levels.

As shown in Table 3.10-9, Project HVAC Noise Levels (Western Property Line), operational noise levels from the HVACs would be approximately 44 dBA at the western property line, which is in compliance with the City's daytime 50 dBA standard for the R-3 zone. Additionally, operation of the HVAC units would also meet the most restrictive nighttime standard of 45 dBA. Therefore, the project's HVAC would not result in any established standard exceedances at the neighboring sensitive receptors and **no impact** would occur.

Table 3.10-9: Project HVAC Noise Levels (Western Property Line)

Description	Value
Distance to Nearest Observer Location (Feet)	75
Hourly Reference Noise Level (dBA)	74.0
Noise Source Reference Distance (Feet)	3.0
Noise Reduction Due to Distance (dBA)	-28.0
Reduction Due to Buildings (dBA)	-5.0
Noise Level at Property Line (dBA)	41.1
Quantity	2
Property Line Cumulative Noise Level (dBA)*	44.1

*Complies with the nighttime noise standard of 45 dBA.
Source: Ldn Consulting, 2020c (Appendix N)

Agriculture Operations

The proposed project would include an organic farm on the northern portion of the property. The farm will be equipped with a tractor for the occasional soil preparation and hauling of agricultural goods. The limited activity of the tractor would not result in noise impacts at the nearest residences located to the west.

The chicken coops would be located in the northeastern corner of the proposed project site and would be located approximately 850 feet from the nearest residences to the west across Sidonia Street. Noise associated with chicken coops comes from roosters. Roosters are capable of producing a noise level of 90 dBA at a distance of 1 foot. Two roosters would result in a cumulative noise level of 93 dBA at 1 foot. At the nearest residences, 850 feet away, the noise level would drop 58 decibels, resulting in a noise level of 35 dBA. As a design feature to further

reduce noise from the roosters, the proposed project would install solid walls along the western and southern portions of the rooster area within the coop and install light reductions to limit the crowing. Impacts would be **less than significant**.

Outdoor Event Noise

Dining/Entertainment is defined typically as any dining use that includes live entertainment. Uses within the shared public/private agricultural amenity area include a farm-to-table restaurant, farm stand, event lawns, discovery garden, greenhouse and community event space, and an outdoor education patio. The event lawns would be used for various types of events, including but not limited to, movie nights on the green, collaborative educational events with the local school district, parties, yoga events, and weddings. These uses would be located in the southern portion of the agricultural amenity area (see Figure 2.0-5, Conceptual Site Plan).

Movie nights would occur approximately once a month and during the evening time (after 7:00 p.m.). Educational events with the local school district would occur approximately once a month, midweek, between the hours of 9:00 a.m. and 3:00 p.m. Parties and weddings would occur with varied frequency depending on demand. These uses would occur during regular hours of operation, with the limitation that any outdoor amplified music or other entertainment would not occur past 10:00 p.m. and would be controlled by the project owner and/or homeowners association (HOA).

Noise sources from the outdoor events would typically be from low amplification/acoustical music or electronic noise amplifier such as a public address (PA) system or speakers. Based on similar area venues hosting outdoor events, noise levels from a low amplification speaker system are anticipated to be approximately 64 dBA at 25 feet, while noise measurements from an electronic noise amplifier would be approximately 75 dBA at a distance of 25 feet. However, it should be noted that electronic speakers can be adjusted to lower noise levels if desired or needed and noise levels on the sides and behind the disc jockey (DJ) stage drop 10 decibels due to the directional characteristics of the speakers. Noise from a fixed or point source (i.e., speaker system) drops off at a rate of 6 dBA for each doubling of distance.

Off-Site Sensitive Receptors

The nearest residential uses to the proposed dining/entertainment use area are located across Leucadia Boulevard and to the west across Sidonia Street. The nearest sensitive use is 670 feet to the west of the dining/entertainment use area. As shown in Table 3.10-10, Outdoor Event Noise Levels, noise levels would be below the exterior noise threshold of 50 dBA for the R-3 zone (with no reductions for shielding from the proposed on-site structures). The proposed residential

apartment buildings on-site (along with speaker orientation) would further reduce the noise level by 5 to 15 decibels. Therefore, impacts from outdoor event noise would be **less than significant**.

Table 3.10-10: Outdoor Event Noise Levels

Source	Reference Noise Level at 25 feet (dBA)	Distance (Feet)	Noise Reduction Due to Distance (dBA)	Resultant Noise Level (dBA)	Allowable Exterior Noise Level (dBA)*
Low Amplification or Acoustical Music	64.4	670	-28.6	35.8	50
Music from a DJ	75.2	670	-28.6	46.6	50

*Complies with the City's 50 dBA exterior threshold
Source: Ldn Consulting, 2020c (Appendix N)

On-site Sensitive Receptors

According to the City's Noise Compatibility Guidelines, interior noise levels in residential structures must not exceed 45 dBA L_{dn}. As on-site residential structures are located immediately adjacent to the outdoor event space, noise levels at the building facades of the proposed on-site residential units were analyzed to ensure that interior noise levels would be reduced to an acceptable level of 45 dBA.

The methodology used to determine the resultant interior noise levels is based upon the exterior noise level minus the sound transmission loss from building materials. Acoustical modeling of the proposed project dwelling units was performed in the project's noise study included combining the transmission loss for each of the building components such as windows, exterior doors, and exterior walls, that would reduce interior noise levels. The total noise reduction is dependent upon multiple factors such as building component, surface area, and quality of the building/construction material. Based on standard building practices, it is assumed that standard building construction would provide a noise reduction of approximately 12-15 dBA with a window open and 20 dBA noise reduction with the windows closed.

The sound transmission class (STC) is a method of rating how well wall partitions, such as doors and windows, reduce sound transmission. A higher number indicates better sound than a lower number. Based on numerous studies and efficiency standards in current residential Title 24 standards, standard assembly windows have a STC of 28. Based on information from the project applicant's architects, the STC for the proposed project would be approximately 30. The STC and transmission losses for all glass assemblies are provided in Table 3.10-11, Sound Transmission Class Ratings.

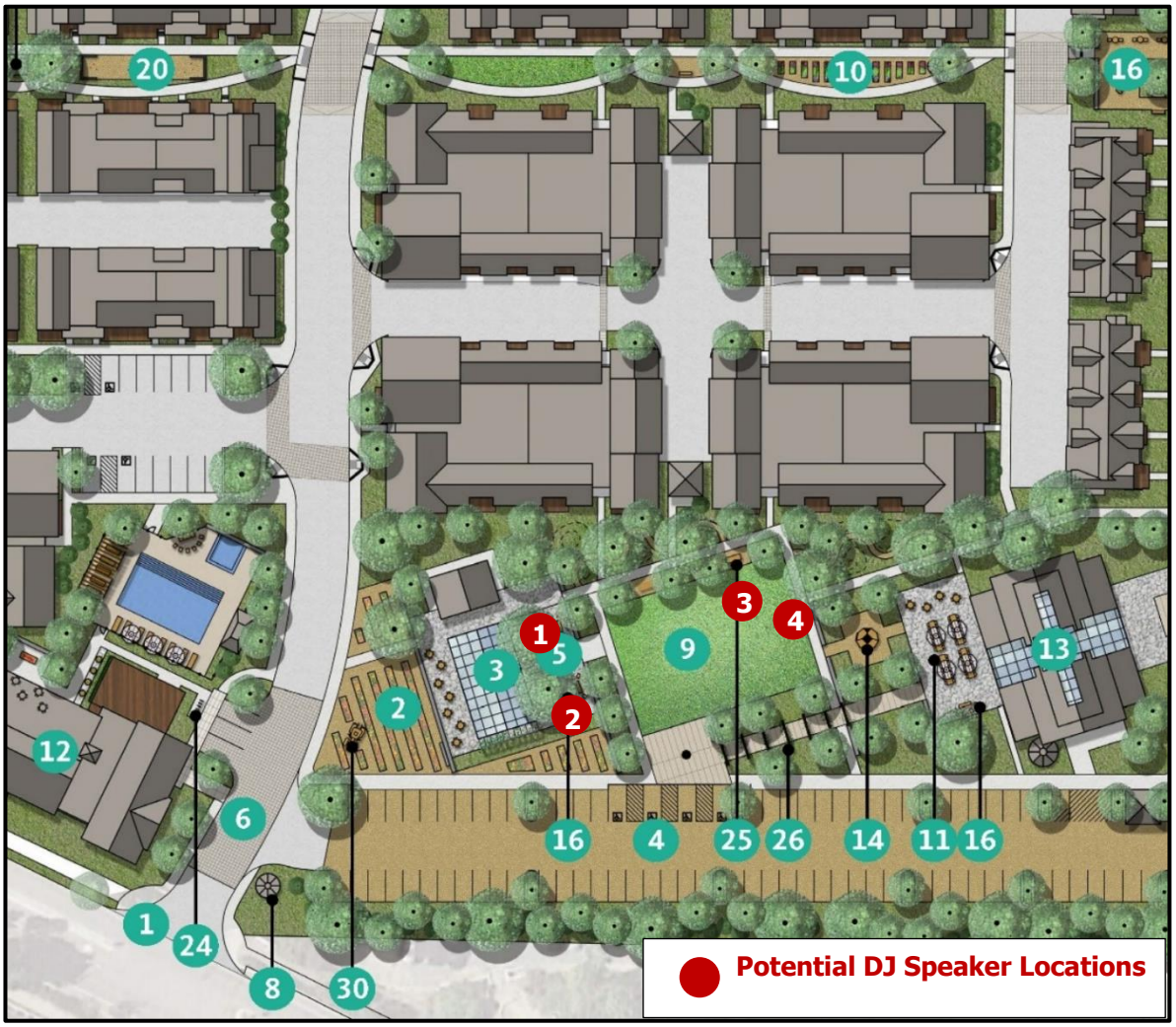
Table 3.10-11: Sound Transmission Class Ratings

Assembly	STC Rating[1]	Octave Band Transmission Loss (Hz)1					
		125	250	500	1000	2000	4000
Operable Windows	30	20	20	26	35	39	37
Fixed Window	30	20	21	26	34	38	29
Glass Doors	30	22	20	29	33	39	30

[1] STC and octave ratings used in modeling (Ldn Consulting 2020c).

Outdoor events would be held in the Outdoor Education and Event Patio (Number 5) and Event Lawn (Number 9); refer to Figure 2.0-5, Conceptual Site Plan. To be conservative in the noise analysis, it was assumed that the DJ stage could be placed in four different locations on-site; refer to Figure 3.10-2, Anticipated DJ Speakers Locations. Although speakers may be set in several locations, the speakers would never directly face the residential units on-site given the layout of the venue as well as internal rules set by the project management.

Figure 3.10-2: Anticipated DJ Speaker Locations



According to the noise study, residential structures constructed in compliance with Title 24 standards provides a noise reduction of approximately 15 decibels with the windows open and 25 decibels of reduction with the windows closed. This reduction assumes a minimum STC of 28 on the glass assemblies, which is a standard assembly. As stated above, the STC for the proposed project would be approximately 30. Therefore, to maintain a 45 dBA noise level within the residential structures, the building façade noise would need to be 70 dBA or less.

As can be seen in Figure 3.10-2, the nearest proposed residential units are located 40 feet from DJ location Number 3. Locations Number 1 and 4 are located approximately 50 feet from a sensitive receptor while location Number 2 is located approximately 100 feet from the nearest receptor. The anticipated noise levels from each speaker location are presented in Table 3.10-12, On-site Entertainment Noise Levels.

Table 3.10-12: On-site Entertainment Noise Levels

Speaker Location[1]	Reference Noise Level (dBA)	Distance to Nearest On-site Receptor (Feet)	Noise Reduction Due to Distance (dBA)	Resultant Noise Level (dBA)[2]
1	75.2	60	-7.6	67.6
2		110	-12.0	63.2
3		40	-1.6	73.6
4		60	-6.0	69.2

[1] Refer to Figure 3.10-2, On-site Dining/Entertainment Location and Distances, for the referenced DJ speaker locations.

[2] All noise levels presented do not account for any reductions in speaker orientation.

According to Table 3.10-12, On-site Entertainment Noise Levels, noise levels at the nearest building façade ranges from 63.2 to 73.6 dBA. As the speakers would not directly face the building façades, it is anticipated that noise levels would be reduced approximately 10 dBA due to the direction the speakers. Interior noise levels would be further reduced by approximately 25 dBA based on building materials and a minimum sound transmission rating of 28 on the glass assemblies which is consistent with Title 24 standards. With these noise reductions accounted for, the worst-case noise level (73.6 dBA) would be reduced to approximately 38.6 dBA (73.6-10-25=38.6 dBA) which is below the City's interior noise threshold of 45 dBA. Therefore, impacts would be **less than significant**.

On-site Pedestrian Pathway/Edible Paseo

An edible paseo, consisting of a pedestrian pathway with fruit trees and other edible landscaping, is proposed within a 50-foot setback buffer on the western boundary of the project site. The edible paseo would continue as a trail along the northern edge of the project site and would

include active fitness nodes at various locations. Connections would be made to existing pedestrian facilities, including sidewalks along Leucadia Boulevard and Quail Garden Drive.

It is assumed that people using the pedestrian pathway would generate some level of noise. The noise would be infrequent and typically consist of normal conversations that range from 60 dBA to 65 dBA at 3 feet. The closest sensitive receptors are the residential uses across Sidonia Street, which are a minimum of 60 feet from the proposed pedestrian trail. At a distance of 60 feet, the noise levels would drop 26 decibels and would therefore be below the 50 dBA standard even if the noise was continuous. Therefore, impacts would be **less than significant**.

Combined Operational Noise

As described above, the noise levels for each operations use were found to comply with the City's noise thresholds per Section 30.40 of the City of Encinitas Municipal Code.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXCESSIVE VIBRATIONS OR NOISE

Impact 3.10-2	**The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant.**

Construction

Increases in groundborne vibration and noise levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

Construction-related ground vibration is normally associated with impact equipment such as pile drivers and jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. This impact discussion is based on the City's residential vibration threshold of 0.03 RMS velocity measured in inches per second; refer to Table 3.10-5.

The nearest vibration-sensitive uses are the residential uses on Sidonia Street located approximately 60 feet east of the project site. Table 3.10-13, Vibration Levels from Construction Activities (Nearest Receptors), provides the anticipated average vibration levels that would be

experienced at the nearest sensitive receptors from temporary construction activities. To be conservative, the vibration from loaded trucks traveling on-site were assessed at a minimum distance of 60 feet from the proposed construction activities.

Table 3.10-13: Vibration Levels from Construction Activities (Nearest Receptors)

Equipment	Approximate Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec)[1]	Approximate RMS Velocity at 60 Feet (in/sec)[2]
Small bulldozer	58	0.003	0.0008
Jackhammer	79	0.035	0.0094
Loaded trucks	86	0.076	0.0204
Large bulldozer	87	0.089	0.0239
		City Criteria	0.03
		Significant Impact?	No

[1] RMS Velocity provided by the FTA (2006).
[2] PPV at Distance D = PPVref x $(25/D)^{1.5}$ provided by the FTA (2006).
Notes: RMS = root-mean square. The RMS velocity is that of a wave through sub-surface layers of different interval velocities along a specific ray path.

Project construction would occur approximately 60 feet from the nearest residential structures on Sidonia Street. Table 3.10-13 shows that vibration levels from construction equipment would not exceed 0.03 inches per second. The project does not propose the use of pile drivers during construction. Furthermore, it is acknowledged that construction activities would occur throughout the project site and would not be concentrated at a point closest to the sensitive receptors for an extended period of time. Therefore, groundborne vibration impacts from construction equipment would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Operational

Operation of the project would not generate substantial levels of vibration due to the absence of vibration-generating sources. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

PUBLIC AIRPORT OR PRIVATE AIRSTRIP

Impact 3.10-3	**The project would not be located in the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.**

There are no public or private airports within 2 miles of the project site, and the project site is outside of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 4 miles north of the project site, and there are no private airstrips in the immediate vicinity. Therefore, **no impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

CUMULATIVE IMPACTS

Impact 3.10-4	**The project would not result in a significant cumulative noise impact. Impacts would be less than cumulatively considerable.**

Geographic Scope

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only those cumulative projects identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR that are in the direct vicinity of the project study areas and those that are considered influential in regard to noise and vibration would have the potential to be considered in a cumulative context with the proposed project's incremental contribution.

Potential Cumulative Impacts

Cumulative noise impacts would occur primarily as a result of increased traffic on area roadways due to buildout of the proposed project and other projects in the vicinity. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). An increase of 3 dB is widely accepted as "barely perceptible." With regard to traffic noise, traffic volumes would need to roughly double to result in a perceptible change in ambient noise levels.

To determine if cumulative traffic noise levels would increase to a level of significance with the development of the proposed project and other planned projects, data from the *Vehicle Operations and Queuing Analysis* (Appendix O-2) was analyzed for the following traffic scenarios:

- Existing: Current day noise conditions without construction of the project.
- Existing Plus Cumulative Projects Plus Project: Current day noise conditions plus the completion of the project and the completion of other permitted, planned projects or approved ambient growth factors.
- Existing vs. Existing Plus Cumulative Projects Plus Project: Comparison of the existing noise levels and the related noise level increases from the combination of the project and all other planned or permitted projects in the vicinity of the site.

As shown in Table 3.10-14, Existing vs. Near Term + Project Noise Levels, the overall roadway segment noise levels would increase between 0.1 dBA and 1.6 dBA with development of the proposed project and other cumulative projects. As the noise increase would not exceed the 3 dBA threshold, the proposed project would not contribute to a significant cumulative noise impact to any existing or future noise sensitive land use. Therefore, impacts are **less than cumulatively considerable**.

Table 3.10-14: Existing vs. Near Term + Project Noise Levels

Roadway Segment	Existing Noise Level @ 50 feet (dBA Ldn)	Existing + Project + Near Term Noise Level @ 50 feet (dBA Ldn)	Difference (dBA Ldn)
Leucadia Boulevard			
I-5 Northbound Ramps to Urania Ave	72.3	72.4	0.2
Urania Ave to Saxony Rd	72.3	72.5	0.2
Saxony Rd to Sidonia St	72.6	72.7	0.2
Sidonia St to Quail Gardens Dr	72.6	72.8	0.1
Quail Gardens Dr to Garden View Rd	73.0	73.1	0.1
Garden View Rd to Town Center Pl	71.7	71.9	0.1
Town Center Pl to El Camino Real	71.9	72.1	0.1
Quail Gardens Drive			
Ranch Rd to Project Driveway #1	58.6	58.6	0.1
Project Driveway #1 to Leucadia Blvd	58.6	60.2	1.6

Source: Chen Ryan 2020b (Appendix O-2); Ldn Consulting, 2020c (Appendix N)

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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This section discusses the proposed project relative to public services including fire protection, law enforcement, schools, parks and recreation, and other public facilities. Analysis in this section draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

Fire Protection and Emergency Services

The project site is served by the City of Encinitas Fire & Marine Safety Department. The department has 70 full-time employees and five divisions: Fire Operations and Support Services, Fire Administration, Loss Prevention and Planning (Fire Prevention), Disaster Preparedness, and Marine Safety Services. The Fire Department operates six fire stations distributed in different areas of the City to serve the 20-square-mile service area (City of Encinitas 2020d).

The closest station to the project site is Fire Station 3, at 801 Orpheus Avenue in Leucadia, approximately 0.8 mile west. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

In 2018, the Fire Department responded to 6,572 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. As shown in Table 3.11-1, City of Encinitas Emergency Responses (2018), approximately 2 percent of the total call volume for emergencies in 2018 were fire related (136 calls). On average, the Fire Department was able to respond to these calls within 5 minutes and 45 seconds (City of Encinitas 2018b).

Table 3.11-1 City of Encinitas Emergency Responses (2018)

Response Type	Number of Responses
Fires	136
Rupture/Explosion	6
EMS/Rescue	4,336
Hazardous Conditions	96
Service Calls	480
Good Intention	1,116
False Call	388
Severe Weather	1
Other	4
Total	**6,572**

Source: City of Encinitas 2018b

Law Enforcement

The San Diego County Sheriff's Department serves the project site from its North Coastal Station located at 175 North El Camino Real in Encinitas, approximately 1.6 miles southeast. The station serves nearly 60 square miles including the cities of Del Mar, Encinitas, and Solana Beach and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre, providing public safety services to more than 80,000 residents (County Sheriff 2020).

The North Coastal Station staffs approximately 107 total staff which includes 36 active members of the City's Senior Volunteer Unit (County Sheriff 2020). The North Coastal Station has 15 patrol vehicles, 3 traffic enforcement vehicles, 4 detective vehicles, 4 Community Oriented Policing and Problem Solving (COPPS) vehicles, and 5 bicycles. Overall, department response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016f).

Schools

The project site is located in the Encinitas Union School District (EUSD), which serves the City and the La Costa area of Carlsbad in north San Diego County through its nine elementary schools. Approximately 5,400 students are served by the EUSD (EUSD 2016).

In the project area, students in kindergarten through sixth grade would attend Capri Elementary School, at 941 Capri Road (approximately 0.7 mile northwest of the project site). Students in the project area attend middle school and high school in the San Dieguito Union High School District (SDUHSD). Middle school students (seventh and eighth grades) would attend Diegueño Middle School, at 2150 Village Park Way Drive (approximately 3.1 miles southeast of the project site) and high school students (ninth through twelfth grades) would attend La Costa Canyon High School at 1 Maverick Way, Carlsbad (approximately 3.3 miles east of the project site) or San Dieguito High School Academy (located approximately 1.7 miles southeast of the project site).

Parks

As of February 2020, the City's Parks, Recreation, & Cultural Arts Department maintains 153 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2020e). The department has four operating divisions: Administrative Services, Cultural Arts, Parks, Beaches and Trails, and Recreation. The department is responsible for a range of services including:

- Recreational, educational, and sports programs and services for youth, teens, adults, and senior citizens

- Citywide special events such as the Holiday Parade, Spring Egg Hunt, Pet Health Expo, Summer Concerts, Movies in the Park, and the Moonlight Beach Fest
- Park, beach, and recreational trail maintenance, and streetscape maintenance
- Animal control services

The City also borders the Pacific Ocean which offers opportunities for swimming, surfing, walking, running, sailing, and similar activities, as well as passive recreational activities such as picnicking and public gathering.

As stated in Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). The City encourages neighborhood parks within walking distance for all urban area residents. According to the City's Parks, Beaches, Trails, and Open Space Master Plan, the City has 1,264.2 acres of parks and recreational space (see Table 3.11-2, Existing Parks, Beaches, and Open Space). These lands are either owned by the City, county, or state.

Table 3.11-2 Existing Parks, Beaches, and Open Space

Category	Total Acreage
Parks	295.0
Beaches	84.0
Open Space	1,264.2
Total	**1,643.2**

Source: City of Encinitas Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b)

Other Services and Facilities

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. The San Diego County Library Encinitas Branch is located at 540 Cornish Drive, approximately 1.5 miles southwest of the project site. The nearest hospital is Scripps Memorial Encinitas Hospital, located approximately 2.0 miles south-southwest of the project site at 354 Santa Fe Drive, Encinitas, CA 92024. City Hall is located at 505 S. Vulcan Avenue, approximately 1.4 miles southwest of the project site.

REGULATORY FRAMEWORK

State

Quimby Act

Since the passage of the 1975 Quimby Act (California Government Code Section 66477), cities and counties have been authorized to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

The Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act (Government Code Section 53311 et seq.) is a tax-based financing method available to cities, counties, and special districts. It authorizes local governments to establish community facilities districts within which they may levy special taxes and issue bonds to finance open space acquisition, maintenance, and other programs. Approval of the special tax and any related bond issue requires approval by two-thirds of the district electorate.

Local

City of Encinitas General Plan

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

Public Safety Element

GOAL 1:	**Public health and safety will be considered in future land use planning.**
Policy 1.8:	New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.
Policy 1.9:	Adequate safety service levels shall be maintained and provided for by new development.

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

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

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

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

Recreation Element

GOAL 1: The maintenance of the open space resources in the planning area will continue to be emphasized.

Policy 1.2: Consider the enactment of a “Quimby Ordinance” to ensure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of parking and open space lands.

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

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

Policy 1.6: Establish mini-parks and playlots in high density areas where larger parks are inaccessible or impractical to provide, and only when the provision of

neighborhood parks to serve local neighborhood park needs is not possible.

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

Policy 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities.

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

GOAL 4: A City-wide system of parks which combine established standards and community desires shall be established and maintained.

Policy 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

Land Use Element

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

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact if the project results in the need for new or physically altered governmental

facilities, in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts for any of the public services:

- Fire protection
- Police protection
- Schools
- Other public facilities

Additionally, the proposed project would result in significant impacts related to parks and recreation if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

PROJECT IMPACTS AND MITIGATION

FIRE PROTECTION

Impact 3.11-1	**The project would not result in substantial adverse physical impacts to fire protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

As mentioned previously, the project site is located within the jurisdiction of the Encinitas Fire & Marine Safety Department (Fire Department). The closest station is Fire Station 3, located at 801 Orpheus Avenue in Leucadia, approximately 0.8 mile west of the project site. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

As stated in Section 4.4, Population and Housing, of this EIR, the proposed project would allow for future construction of 250 residences (53 cottages/carriage units/townhomes and 197 apartments). San Diego Association of Governments (SANDAG) has estimated an average of 2.51 persons per household in 2020 for the City with an approximate population of 63,158 residents in 2018 (SANDAG 2020). Therefore, the proposed project would result in the addition of 628 people (2.51 x 250 residences), which is equivalent to an approximate 1 percent increase in the City's population.

The National Fire Protection Association Standard 1710, recommends that, to treat medical patients and control small fires, the first response unit should arrive within 6 minutes, 20 seconds from the receipt of a 9-1-1 call for 90 percent of the calls. In 2018, the Fire Department responded to 6,572 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. Based on a population of 63,158 residents, the call volume represents approximately 1 call per 9.61 residents (63,158 residents/6,572 calls). As shown in Table 3.11-1, approximately 2 percent of the total call volume for emergencies in 2018 were fire related (136 calls) (City of Encinitas, 2018b).

As evaluated in Appendix O-2, the proposed project would provide improvements at two intersections, which would improve function compared to pre-project conditions. With these intersection improvements in place, the project is not anticipated to result in a substantial delay in travel time along local roadways that may adversely affect emergency response (see Appendix O-2). The addition of 628 residents with project implementation would generate approximately 66 annual calls for service (628 residents/1 call per 9.64 residents), the majority of which are expected to be medical-related, and only approximately 1.5 (or 2%) would be fire-related. The Fire Department has provided a will-serve letter to the project applicant confirming adequate fire service can be provided to the proposed development (Appendix R).

According to the CAL FIRE Fire Hazard Severity Zones Map – Encinitas, a portion of the project site is mapped within the Very High Fire Hazard Severity Zone (VHFZSV), most likely due to the northern edge of the project site abutting the Magdalena Ecke Preserve (CAL FIRE 2009). In consideration of this proximity, the proposed project was designed to effectively provide an expanded fuel modification zone of approximately 320 feet, which is three times the standard 100-foot fuel modification zone, through the designation of the northern portion of the project site as agriculture, which will be predominately landscaped, irrigated row crops and with minimal, ancillary support buildings. Refer to Section 4.4, Wildfire.

Due to the project site's proximity to existing fire stations and the existing service level maintained by the Encinitas Fire Department and because the proposed project would meet all access, water, and protection system requirements, per the California Building Code and the California Fire Code as well as all other applicable City codes, the proposed project would receive adequate Fire Department services in the event of an emergency.

Additionally, Title 23 of the City's Municipal Code requires the payment of fire service mitigation fees as a condition of discretionary projects. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control, to include station construction, station expansion, and fire apparatus acquisition (Municipal Code Section 23.92.040). The project developer would be required to make payment of such fees prior to issuance of a building permit to reduce potential effects on the City's ability to provide

adequate fire protection services. Based on the fees in effect at the time of this writing, the proposed project is expected to contribute approximately $117,400 in such fees for the combined residential and commercial components.

Therefore, the proposed project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts. Impacts associated with fire protection services would be **less than significant**. For more information on potential wildfire effects, see Section 4.0, Effects Found Not to be Significant, Subsection 4.5 Wildland Fires; and Section 3.7, Hazards and Hazardous Materials.

Mitigation Measures: None required.

Level of Significance: Less than significant.

LAW ENFORCEMENT

Impact 3.11-2	**The project would not result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

Law enforcement services would be provided by the San Diego County Sheriff's Department from its North Coastal Station. The station is located at 175 North El Camino Real, approximately 1.6 miles southeast of the subject property. The station currently has adequate resources to respond to emergencies at the project site.

According to the City of Encinitas General Plan Housing Element Update EIR, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 - 6.0 minutes; Priority 2 - 10.9 minutes; Priority 3 - 16.1 minutes; and Priority 4 - 45.8 minutes (City of Encinitas 2016f). The General Plan EIR further states that the Sheriff's Department has no current plans to increase staffing levels or construct new facilities in the City.

Based on proximity to existing sheriff stations and the current service levels maintained by the Sheriff's Department, and because the proposed project would not result in a substantial delay in travel time along local roadways (see Appendix O-2), the proposed project is not expected to adversely affect the level of law enforcement protection or response times from the North Coastal Station and would not require the additional hiring of sheriff's department staff. Implementation of the proposed project would not result in the need to construct any new law enforcement facilities or physically alter an existing law enforcement facility. Therefore, the proposed project would have a **less than significant** impact on law enforcement services.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCHOOLS

Impact 3.11-3 **The project would not result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

The project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Capri Elementary School, Diegueño Middle School, La Costa Canyon High School, and San Dieguito High School Academy. The EUSD and SDUHSD have used different student generation numbers for different projects. EUSD has used numbers ranging from 0.20 students/household up to 0.41 students/housing. SDUHSD has used numbers from 0.174 students per household to 0.3 students per household. This is often due to different sized homes which are expected to generate different numbers of school-aged children. While larger homes are typically expected to generate more students, to be conservative, the analysis for the proposed project assumes a worst-case scenario. Therefore, it is assumed that EUSD uses a generation rate of 0.41 school-aged students (K-6) per residential dwelling unit while the SDUHSD uses a generation rate of 0.3 school-aged students (7-12) per residential dwelling unit. These totals are specific to students attending EUSD and SDUHSD schools, and do not account for students who attend other, non-public schools such as private schools, charter schools, and/or home-schools.

Student generation for each HEU project site was calculated in the HEU Environmental Assessment. Based on maximum unit allocation of 296 units, the proposed project was estimated to generate 121 students at EUSD and 51 students at SDUHSD. Since the project site would be developed with 250 units, the proposed project is estimated to generate approximately 178[1] additional students as shown in Table 3.11-3, Estimated Student Generation.

Table 3.11-3 Estimated Student Generation

District	Student Generation Rate	Units	Estimated Students
EUSD	0.41/unit	250	103
SDUHSD	0.174/unit	250	75

Source: City of Encinitas 2018a

1. 250 residences*0.41 = 103 additional EUSD students; 250 residences*0.174= 44 additional SDUHSD students.

Regarding elementary schools, Capri Elementary enrollment is approximately 719 students for the 2018/2019 school year (DOE 2019). Table 3.11-4, Capri Elementary Enrollment, provides the distribution of students across all seven grade levels (K-6).

Table 3.11-4 Capris Elementary Enrollment

Grade	Students	% of enrollment
K	106	14.7
1	99	13.8
2	106	14.7
3	96	13.4
4	108	15.0
5	93	12.9
6	111	15.4

Source: Ed-Data 2020

Assuming an even distribution across grades similar to the existing enrollment at Capri Elementary, the proposed project would generate approximately 14 to 15 additional students per grade level. Each grade has three classrooms, meaning the proposed project would, on average, result in approximately five students per classroom.

Table 3.11-5, School Capacity, provides the student capacity for each school relevant school to the proposed project. EUSD (Capri Middle School) has a future enrollment capacity of 63 students while SDUHSD (Diegueño Middle School, La Costa Canyon High School, and San Dieguito High School Academy) has a future enrollment capacity of 1,607. Given the project's estimated student generation provided in Table 3.11-5, the SDUHSD has sufficient capacity to accommodate the estimated students from the proposed project. However, the EUSD may not be able to accommodate the proposed project's additional students depending on when the project is constructed and what happens to enrollment numbers prior to occupancy of the project site.

Table 3.11-5 School Capacity

School	School District	2017/18 Enrollment	Total Maximum Enrollment Capacity	Future Enrollment Capacity
Capri Elementary School	EUSD	719*	773	54
			EUSD Subtotal	**63**
Diegueño Middle School	SDUHSD	897	1,335	438
La Costa Canyon High School	SDUHSD	1833	3,000	1,167
San Dieguito High School Academy	SDUHSD	1813	1,815	2
			SDUHSD Subtotal	**1,607**
			Total	**1,670**

Source: City of Encinitas 2018a
* enrollment for Capri Elementary is for the 2018/2019 school year

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of the FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in the HEU, the EUSD will take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

All residential development is required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. As of this writing, the total school fees for the proposed project would be approximately $1,020,000 based on the fee of $3.93/square foot for residential construction and $0.63/SF for commercial construction. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time and; thus, considered speculative for purposes of evaluating future impacts of school construction projects. For instance, the District may also consider revising enrollment boundaries rather than expand existing school sites or construct a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute. Therefore, based on the existing capacity and anticipated student generation of the proposed project, along with the payment of mandatory development fees, impacts on schools would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PARKS AND RECREATION

Impact 3.11-4	**The project would not increase the use of existing neighborhood and regional parks or other recreational facilities. Impacts would be less than significant.**

The City of Encinitas Parks, Recreation and Cultural Arts Department maintains 153 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2020e). The Magdalena Ecke Open Space Preserve,

which offers a variety of public hiking trails, borders the entire northern boundary of the project site.

An increase in the use of existing parks and recreational facilities typically results from an increase in housing or population in an area. As stated above, the proposed project includes 250 residences (53 cottages/carriages/townhomes and 197 apartments) which would result in the addition of approximately 628 people in the City.

As shown in Table 4.4-1 in Section 4.4, Population and Housing, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 628 people (2.51 x 250 residential units). Therefore, the proposed project would represent approximately a one percent increase to the 2020 population and a less than one percent of the 2050 population (City of Encinitas 2019b).

As stated under Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991).

Based on the estimated 2020 population, the City would need to provide approximately 947 acres of parks/open space to meet the adopted General Plan goal. As stated above, the City maintains approximately 1,264.2 acres of parks and recreational space (see Table 3.11-2, Existing Parks, Beaches, and Open Space), which would meet the needs for all residents under current population estimates (City of Encinitas 2016e). As shown in Table 3.11-6, Available Parkland and Demand, the City would maintain a parkland surplus of approximately 312 acres with the proposed project's increase in park demand (951.86 acres).[2]

Table 3.11-6 Available Parkland and Demand

Population	Parkland Demand (acres)	Parkland Provided (acres)	Surplus (Deficit) (acres)
Existing			
62,829	942.44	1,264.2	+321.76
With Proposed Project			
63,457	951.86	1,264.2	+312.35

Source: City of Encinitas 2016b.

As such, it is not anticipated that the proposed project would result in a significant increase in the use of existing recreational facilities or require the construction of new recreational facilities.

In addition, the proposed project includes a recreation center that would serve as a community gathering place for project residents and would include lounge areas and fitness areas (including

[2] 63,786 residents (with the proposed project)/1,000 acres = 6,378 *15 acres per resident = 956.79 acres.

a yoga room and golf simulator). A 30-foot wide liner park corridor that is amenitized with a series of activity nodes, including community gardens, trails, open lawn areas, and a bocce ball court is proposed to run north/south through the middle of the project site. Theses uses would provide additional recreational opportunities to the project's residents.

Further, all residential development in the City, including the proposed project, is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy in order to offset the impacts of increased demand on park and recreational facilities. Specific to the proposed project, it is anticipated these fees would total approximately $2,000,000 for park acquisition, development, open space, trails, and community facilities. With the payment of parkland impact fees, project impacts on park and recreational facilities would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

OTHER FACILITIES

Impact 3.11-5	**The project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.**

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. As stated above, the proposed project would result in an increase of approximately 628 people in the City's population. The City's estimated population in 2020 is 62,829 residents (City of Encinitas 2019b).

The additional public facility use from the anticipated residents would be negligible compared to the utilization of public facilities citywide. Further, a portion of the City's Parkland Acquisitions and Improvements Development Fee is for "community facilities" which may include some of these other facilities. Given the small number of additional residents and because the project would contribute funds through the City's Parkland Acquisitions and Improvement Development Fee for community facilities, the proposed project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.11-6	**The project would not result in a cumulatively considerable impact to public services and recreation. Impacts would be less than cumulatively considerable.**

Geographic Scope

The geographic scope for cumulative impacts to public services and recreation includes the service areas for the Encinitas Fire Department, the San Diego County Sheriff's Department, the Encinitas Union School District and San Dieguito Union High School District, and City and regional recreational facilities and parkland.

The cumulative projects in Table 3.0-1, Cumulative Projects, have been determined to be reasonably foreseeable. Refer to Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site. The cumulative projects list (Table 3.0-1) was developed in consultation with the City's Planning Division and includes the 2 HEU sites for which development applications are currently being processed.

To be conservative, the cumulative analysis is based on the "worst-case" assumption that includes the 2019 HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

As determined in Impact 3.11-1, the proposed project would not result in a significant impact to fire protection services as the project would not cause a substantial delay along any local roadway segment or intersection, with development of the site (see also Appendix O-2).

Other cumulative projects would be required to analyze potential effects on local roadways and on emergency response times related to fire protection services on a project-by-project basis. As noted in the 2019 Housing Element Update Environmental Assessment, future development of the HEU sites would not directly or indirectly conflict with City policy or regulation concerning fire protection services because HEU buildout would occur over 20+ years and would be required to comply with applicable General Plan goals and policies.

As with the proposed project, the HEU sites would be required to pay fire mitigation fees as a condition of approval of each individual development project in compliance with Encinitas Municipal Code (EMC) Chapter 23.92. Thus, the proposed project would not contribute to a significant cumulative impact on fire protection services.

Similarly, as the proposed project would not result in substantial delays along local roadways or intersections, the project would not adversely affect law enforcement services or response times (see Appendix O-2). Other cumulative projects would be required to analyze potential impacts on emergency access and circulation, as well as law enforcement response times, on a project-by-project basis. Future development of the cumulative projects listed in Table 3.0-1 and the HEU sites would not directly or indirectly conflict with City policy or regulation concerning the protection of police protection services because all projects would be required to pay the appropriate law enforcement service mitigation fees as a condition of approval. Therefore, the proposed project would not contribute to a significant cumulative impact on law enforcement services.

As described under Impact 3.11-3, all of the cumulative projects, including the HEU sites, would be required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. The 2019 HEU EA determined that SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while EUSD would have a capacity shortfall of approximately 431 students.

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of a FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time, and are therefore considered speculative for purposes of evaluating future impacts of school construction projects. If the District were to propose a school project, they would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in, and consistent with, the HEU, the EUSD would take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Each future project would be required to pay school impact fees. Since payment of fees is considered full and complete mitigation for each development's impacts, a cumulative impact

would not occur, and therefore, the proposed project would not contribute to a significant cumulative impact on schools.

As shown in Table 3.11-6, Available Parkland and Demand, the City currently has approximately 363 acres of excess recreational space based on the General Plan requirement of providing 15 acres of parkland per 1,000 population. Other cumulative projects and the HEU sites would increase the population of the City, and therefore, alter the ratio of parkland per population.

Buildout of the 2019 HEU (with application of the density bonus, and with the proposed project and the 2 HEU sites for which applications are currently being processed) would result in a potential future increase the number of housing units by 1,504 homes, which would generate an associated population increase of approximately 3,775 residents. As such, the demand associated with 3,775 residents is approximately 56.6 acres (1,504 x 15 acres/1,000 population).

Based on the current excess of 363 acres of parkland, the City is anticipated to have the capacity to accommodate future growth without adverse effects on the provision of parkland. Therefore, the City would have an adequate availability of recreational space for the cumulative projects, and the proposed project would not contribute to a significant cumulative impact to parks and recreation.

In summary, with implementation of the proposed project, potential impacts associated with public services and recreational facilities would be less than significant. Development of other cumulative projects in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public or recreational facilities on a project-by-project basis and in accordance with applicable local, state, and federal agency requirements to avoid, reduce, and mitigate substantial increases in demand (and significant impacts) on public services and local and regional recreational amenities.

The proposed project, in combination with the cumulative projects considered, is not anticipated to overburden the respective emergency service providers or other public services such that they are unable to maintain acceptable response times or service levels, or otherwise result in a significant cumulative impact to public services and facilities, or result in a deficiency in service ratios or degradation of existing recreational facilities. As no new facilities would be constructed without being evaluated by the appropriate agency, potential expansion of facilities would not result in an unknown environmental impact. Therefore, cumulative impacts relative to public services and recreation would be **less than cumulatively considerable.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 3.12
Transportation

This section describes regulations related to transportation and circulation and the existing transportation systems in the project area, identifies significance criteria for impacts on transportation and circulation, and evaluates potential impacts associated with the proposed project. Discussion in this section is based on the project *Transportation Impact Study* (2020; Appendix O-1) and the *Vehicle Operations and Queuing Analysis* (2020; Appendix O-2) prepared by Chen Ryan. Additional information was obtained from the *City of Encinitas General Plan Circulation Element* (1991). Technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

With implementation of Senate Bill 743, described below under *Regulatory Framework*, automobile delay, as measured by level of service, is not considered a significant effect on the environment. Therefore, in accordance with CEQA, the level of service analysis provided in Appendix O-2 is not addressed in this EIR. However, the analysis provided in Appendix O-2 will be considered by the City's decision-makers when making General Plan findings for the proposed project. These findings pertain to the proposed project's consistency with level of service policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if this EIR is certified by the City's decision-makers, EIR findings pertaining to the level of service policies would not be made.

ENVIRONMENTAL SETTING

Access to the project site is provided from the regional transportation network via Interstate 5 (I-5), Leucadia Boulevard, El Camino Real, Saxony Street, Quail Gardens Drive, and Sidonia Street. Descriptions of these roadways are described below:

- *Interstate 5* - Within the project study area, I-5 is a north-south freeway located approximately 0.68 miles to the west of the project site. Access from I-5 to the study area is provided from the Leucadia Boulevard interchange.

- *Leucadia Boulevard* - In the vicinity of the project site, Leucadia Boulevard is a four-lane roadway with a raised median between Urania Avenue and Garden View Road; a five-lane roadway with a raised median between the I-5 northbound ramps and Urania Avenue; and a six-lane roadway with a raised median between Garden View Road and El Camino Real. The posted speed limit along the length of the roadway varies from 40 to 45 miles per hour (mph). On-street parking is prohibited and sidewalks are present on both sides of the roadway with exception of the segment between Quail Gardens Drive and Garden View Road where a paved path exists along the south side of the roadway.

Additionally, buffered bike lanes protected by plastic pylons were recently installed on Leucadia Boulevard east of I-5 to Quail Gardens Drive. East of Quail Gardens Drive, the pylons end and the bicycle facilities transition to Class II bicycle lanes until the intersection with El Camino Real. Leucadia Boulevard is classified in the City's General Plan as a Four-Lane Major Roadway - Augmented between I-5 northbound ramps and Town Center Place, and a Six-Lane Prime Arterial between Town Center Place and El Camino Real.

- *El Camino Real* - In the vicinity of the project site, El Camino Real is a six-lane roadway with a raised median and a posted speed limit of 45 miles per hour between Calle Barcelona and Town Center Drive. Sidewalks and Class II bicycle facilities are present along both sides of the roadway, and on-street parking is not permitted. According to the City's General Plan, El Camino Real is classified as a Six-Lane Prime Arterial - Augmented.

- *Saxony Street* - Saxony Street is a two-lane roadway with posted speed limits of 30 and 35 miles per hour. Sidewalks are present intermittently along both sides of the roadway; however, bicycle facilities are not present on either side. On-street parking is permitted along the roadway where residential uses front on to the street. The City's General Plan classifies the street as a Two-Lane Local Collector Roadway.

- *Quail Gardens Drive* - Quail Gardens Drive is a two-lane roadway with a raised median between Ranch Road and Leucadia Boulevard. Quail Gardens Drive has a posted speed limit of 35 miles per hour. On-street parking is not permitted. A dirt path exists along the east side of the roadway and sidewalk facilities are present along the west side. Class II bicycle facilities are present along both sides of the road. Quail Gardens Drive is classified in the City's General Plan as a Two-Lane Local Roadway - Augmented.

- *Sidonia Street* - In the project vicinity, Sidonia Street is a two-lane undivided roadway between Guildford Court and Leucadia Boulevard with a posted speed limit of 25 miles per hour. Sidewalk facilities are present along the west side of the roadway; no sidewalk is located along the east side along the project frontage; however, sidewalks on the east side of Sidonia Street are present north of the existing, unused driveway connecting the project site to Sidonia Street. On-street parking is permitted only along the west side of the roadway adjacent to the project, and expands to both sides of the roadway north of the unused driveway connecting the project site to Sidonia Street. Sidonia Street is not classified as a Circulation Element roadway in the City's General Plan.

Within the project vicinity, the North County Transit District (NCTD) Bus Route #304 is the only transit route that operates a bus stop within a half-mile of the project. The closest bus stop to the project site is located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street (adjacent to the project site). Bus Route #304 provides connection between the

Palomar College Transit Center and the Encinitas Transit Station, operating with 40-minute headways. There are no park-n-ride facilities within close proximity to the project site. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2.3 road miles to the southwest. The Transit Station provides access to NCTD's COASTER (commuter heavy rail) and NCTD Bus Routes 101, 304, and 309.

North Coast Highway 101 is located approximately 1.3 miles west of the project site and is heavily traveled by bicyclists. The road currently supports both Class II and Class III bicycle facilities. Other roads within the City that offer Class II bicycle facilities include Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

The City's planned pedestrian circulation system consists of connecting sidewalks along roadways as well as recreational trails. Sidewalks are currently present along both sides of Leucadia Boulevard and Quail Gardens Drive and along the west side of Sidonia Street.

REGULATORY FRAMEWORK

Federal

Federal rules and regulations affect the City's traffic and circulation system (i.e., I-5) including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other federal agencies, as appropriate. In addition, the City coordinates with federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

Congestion Management Process

Federal Highway Administration 23 Code of Federal Regulations 450.320 requires that all transportation management areas address congestion management through a process involving an analysis of multimodal metropolitan area-wide strategies that are developed to enhance safety and integrated management of new and existing transportation facilities eligible for federal funding. The San Diego Association of Governments (SANDAG) has been designated as having jurisdiction over transportation management areas in the San Diego region.

Regional

Regional Transportation Improvement Program 2018

SANDAG, acting as the MPO and the Regional Transportation Planning Agency (RTPA), is required to adopt a Regional Transportation Improvement Program (RTIP). Transportation projects funded with federal and state sources and the San Diego transportation sales tax program (TransNet) must be included in an approved RTIP. The programming of locally funded projects may be included at the discretion of the agency. SANDAG adopted the 2018 Regional/Federal Transportation Improvement Program (RTIP/FTIP) in September 2018.

The RTIP/FTIP represents a multibillion-dollar, five-year program of major transportation projects (such as proposed highway arterial, transit, and non-motorized projects) funded by federal and state sources, the local San Diego transportation sales tax (TransNet), and other local and private funding covering fiscal year (FY) 2018/2019 to FY 2022/2023.

The 2018 RTIP is a prioritized program designed to implement the region's overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. The 2018 RTIP also incrementally implements the 2050 Regional Transportation Plan (2050 RTP), the long-range transportation plan for the San Diego region, which was approved by the SANDAG Board of Directors in October 2011. The 2050 RTP is referred to as *San Diego Forward: The Regional Plan* (see discussion below).

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional Transportation Plans are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill (SB) 375 aimed at reducing regional GHG emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

SANDAG serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated $208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three

decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SSCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

State

Senate Bill 375

Senate Bill (SB) 375 (codified in the Government Code and the Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the greenhouse gas (GHG) reduction goals established by Assembly Bill (AB) 32. SB 375 requires metropolitan planning organizations (MPO) to incorporate a Sustainable Communities Strategy in their Regional Transportation Plans to achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

SB 375 required the California Air Resources Board (CARB) to set regional targets for reducing GHG from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region in California governed by an MPO. SANDAG is the MPO for the San Diego region. The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of greenhouse gases from cars and light trucks by 7 percent by 2020, compared with a 2005 baseline. By 2035, the target is a 13 percent per capita reduction. SB 375 does not require CARB to set targets beyond 2035. Nevertheless, the Regional Plan also includes a 2050 time horizon to integrate the TransNet Program, which has a 2048 time horizon (very close to 2050).

Senate Bill 743

SB 743 was signed into law September 2013 and includes several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development, or TOD). Most notably with regard to transportation and traffic assessments, SB 743 changes the way that transportation impacts are analyzed under CEQA (see Public Resources Code Section 21099). SB 743 required the Governor's Office of Planning and Research to amend the CEQA Guidelines to exclude level of service (LOS) and auto delay when evaluating transportation impacts.

With implementation of SB 743, new criteria have been established to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses (OPR 2014). The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Guidelines) provided recommendations for updating the state's CEQA Guidelines in response to SB 743 and contained recommendations for a vehicle miles traveled (VMT) analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

The Guidelines, including the Technical Advisory, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of automobile delay/LOS for CEQA purposes statewide. Public Resources Code Section 21099 and CEQA Guideline Section 15064.3 reflect this change. Under Section 21099, automobile delay, as measured by level of service or similar measures of traffic congestion or vehicular capacity, is not considered a significant effect on the environment.

Local

City of Encinitas General Plan

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

Circulation Element

GOAL 1:	**Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.**
Policy 1.2:	Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.
Policy 1.3:	Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist and an overriding public need can be demonstrated.
Policy 1.10:	Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.

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

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

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

Policy 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.

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

Although Policies 1.2 and 1.3 are relevant for planning purposes, these level of service policies rely on measurements used for evaluating automobile delay. Therefore, pursuant to CEQA, these policies are not applicable to the environmental impact analysis in this EIR.

City of Encinitas Bikeway Master Plan

The City includes bicycle facilities along Highway 101 and several major roadways. The North Coast Highway 101 corridor is a highly traveled bicycle corridor through the City of Encinitas and regionally within San Diego County and supports both Class II and Class III bike facilities. Class II bicycle facilities are currently provided along Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe

Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan

The City adopted its *Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan* in March 2015 to address the need for pedestrian travel within the urbanized areas of the City as well as the more rural areas, to plan for safe routes to school, and to provide pedestrian access to the coastal zone. The plan identifies potential improvement locations based on the need for pedestrian facilities and known pedestrian safety issues.

City of Encinitas Active Transportation Plan Administrative Draft April 2018

The City of Encinitas Active Transportation Plan is intended to address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. This plan is intended to be responsive to General Plan changes and to bring the document into conformance with the City's latest Climate Action Plan, complete streets policies, and other local goals and objectives. Objectives identified include establishing biking and walking facility types and identifying connections between the City's bikeway system and the regional system.

The document evaluates the City's existing bikeway facility system and its relationship with other systems, including public transit, and recommends access to transit improvements where appropriate. The plan aims to maximize the efficiencies offered by multi-modal connections between public transit, walkways and bikeway, including providing more convenient walking and bicycling facilities for residents who do not have ready access to motor vehicles, as well as encouraging those with access to motor vehicles to consider biking or walking as viable alternatives to driving.

Encinitas City Council Ordinance 2019-24

Ordinance 2019-24 amended both Title 24 and Title 30 of the Encinitas Municipal Code to provide consistent language for the requirements of Pedestrian and Bicycle Connectivity. Connectivity and circulation between adjacent land uses is reviewed on a project-by-project basis with the objective of maintaining and/or enhancing further connectivity and circulation of pedestrian, bicycle and vehicular transport. Furthermore, the amended Municipal Code is applied to all areas and zones within the City; including when a subdivision is or is not requested as a part of a development application.

IMPACT ANALYSIS AND MITIGATION MEASURES

Methodology

The following provides a summary of the methodology used in this analysis. Additional background information and an in-depth discussion as to the technical approach is provided in Appendix O-1 of this EIR.

Screening Criteria

Guidance provided by the Institute of Transportation Engineers (ITE) recognizes that small land use projects, which fall below certain screening thresholds, would not have a significant effect on VMT. Projects that are below these thresholds are presumed to be less than significant. Different levels of analysis are therefore recommended by ITE based on the number of average daily trips (ADT) generated by a land use project.

According to ITE's Regional Guidelines for Transportation Impact Studies in the San Diego Region (Regional TIS Guidelines), any project that generates fewer than 1,000 ADT if consistent with a City's General Plan, or 500 ADT if inconsistent with a City's General Plan, is not required to conduct a VMT analysis.

Under the ITE Regional TIS Guidelines, projects that generate greater than the minimum allowable ADT threshold (500 ADT or 1,000 ADT), but fewer than 2,400 ADT are required to conduct a VMT analysis using the VMT calculation tool generated by SANDAG. Projects that generate greater than 2,400 ADT are required to conduct a VMT analysis using the SANDAG Regional Model, regardless of whether or not the project is consistent with the General Plan; refer to Appendix O-1 for additional discussion.

Analysis Metrics

For land use development projects, the Regional TIS Guidelines require the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- *VMT/Capita:* Includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-homebased trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT/Capita.

- *VMT/Employee:* Includes all vehicle-based person trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The

VMT for each work location is then summed for all work locations in a particular census tract and then divided by the total number of employees of that census tract to determine the VMT/Employee.

The CEQA Guidelines specify automobile VMT as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. However, lead agencies have the discretion to select their preferred significance thresholds with respect to what level of VMT increase would cause a significant environmental impact. Lead agencies have the opportunity to choose the thresholds suggested in OPR's Technical Advisory or develop alternative thresholds. The analysis can be conducted by comparing either: 1) the project VMT/capita, or 2) the project VMT/employee to both (1) the San Diego regional average or (2) the average for the city or community in which the project is located.

Per the Regional TIS Guidelines, if the project average is lower than either 85% of the regional average or 85% of the average for the city or community in which the project is located, the VMT impacts of the project can be presumed less than significant. For purposes of this analysis, the VMT Assessment for the proposed project was analyzed against the following VMT thresholds to cover the following geographical areas:

- Average VMT/Capita for the region
- Average VMT/Capita for the City of Encinitas

For residential and employment-based land use developments, a project is considered to have a less than significant transportation related impact if the project VMT/Capita and VMT/Employee is lower than 85% of the regional average or 85% of the average for the area in which the project is located. The significance thresholds are shown in Table 3.12-1.

Table 3.12-1 Significance Thresholds

Land Use	Metric	Average VMT in Miles[a]	Threshold[b]
San Diego Region			
Residential	VMT/Capita	16.4	13.9
Commercial	VMT/Employee	24.9	21.2
City of Encinitas			
Residential	VMT/Capita	18.9	16.1
Commercial	VMT/Employee	27.4	23.3

Notes:
a. Base Year Average (RTIP Year Average)
b. Regional TIS Guidelines recommends threshold is compared against 85% of the Base Year (2012) area average. Regional TIS Guidelines recommends threshold is compared against 85% of the RTIP Year (2020) area average.
Significant impact occurs if the project VMT/Capita or VMT/Employee is over the threshold.
Base Year Area Average (RTIP Year Area Average)
Source: Chen Ryan, 2020 (Appendix O-1)

Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to transportation if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AN APPLICABLE PROGRAM, PLAN, ORDINANCE OR POLICY

Impact 3.12-1	**The project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant.**

Access to the site would be provided at approximately the existing access point along Quail Gardens Drive. Minor improvements would be made to the entry drive to provide two lanes (one in and one out). Sidonia Street would be widened and improved to meet the City's standards for a local residential street. It is anticipated that the access point at Sidonia Street would remain as a gated emergency access only (no vehicular access for residents); however, the option for Sidonia Street to serve a secondary access road is also evaluated in this EIR.

Although the VMT methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate LOS for City streets and intersections. To evaluate project consistency with the General Plan Circulation Element, a Vehicle Operations and Queuing Analysis was prepared for the project (Chen Ryan 2020); refer to Appendix O-2 for additional discussion. As previously stated, to be consistent with the 2020 CEQA Guidelines, LOS analysis is not required for purposes of this EIR's impact analysis. However, the LOS analysis provided in Appendix O-2 will be considered by the City's decision-makers when making General Plan findings for the project.

The proposed project does not propose any features that are inconsistent with applicable policies of the City's Circulation Element. It should be noted that the proposed project land uses are consistent with those assumed in the City's HEU.

Additionally, the proposed project would be subject to payment of the City's Transportation Fees. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur with regard to roadways or intersections affected by the proposed project; refer also to Appendix O-2.

The proposed project has been designed to provide access to alternative means of transportation and to encourage residents and visitors to the project site to utilize such modes of travel. As noted above, NCTD Bus Route #304 operates a bus stop located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street. Bus Route #304 provides connection between the Palomar College Transit Center and the Encinitas Transit Station, thereby allowing for regional connections.

The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2.3 road miles to the southwest. The Transit Station also provides access to NCTD's COASTER (commuter heavy rail) and NCTD Bus Routes 101, 304, and 309.Therefore, residents of the proposed project would have access to both the local and regional transit systems. No changes to the existing bus stop are proposed with the project.

Further, the proposed project would provide connections to existing pedestrian facilities along Leucadia Boulevard and Quail Garden Drive, thereby allowing for access to the existing off-site circulation system. Sidonia Street would be widened and improved to meet the City's standards for a local residential street which would include construction of a sidewalk along the project's frontage with Sidonia Street, consistent with the City's Street Design Manual. This sidewalk would connect to an existing sidewalk on Leucadia Boulevard. Other on-site amenities such as the linear park, on-site trails, edible paseo, and other pedestrian paths are also proposed.

Bike lanes are present along both sides of Leucadia Boulevard and Quail Gardens Drive in the project vicinity. Project implementation would not interfere with the continued use of such bike lanes, with the exception of possible temporary interruption (i.e., relocation) of the southbound bike lane during project improvements at the Quail Gardens Drive entrance. Additionally, bike parking would be provided on-site to encourage residents and visitors to the site to bike instead of driving an automobile, and an electric bicycle (e-bike) share program would be implemented in the community for project residents consisting of 10 electric bikes that would be made available for residents to use.

As such, the proposed project would be in conformance with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian facilities and would not otherwise

decrease the performance or safety of such facilities. The project would not result in a conflict with the City's General Plan supporting alternative transportation modes. Overall, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH CEQA GUIDELINES SECTION 15064.3(B)

Impact 3.12-2 **The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.**

The VMT calculations for the proposed project were compared to thresholds identified in Table 3.12-1.

The method used to derive and evaluate project VMT is determined based on a project's trip generation. Trip generation rates for the project were developed utilizing SANDAG's *(Not So) Brief Guide to Vehicular Trip Generation* (SANDAG 2002). Table 3.12-2 gives daily project trip generation for the project.

Table 3.12-2 Project Trip Generation

Land Use	Units	Trip Rate	Average Daily Traffic (ADT)
Existing Land Uses			
Flower Mart[1]	18 acres	Driveway Count	-334
Proposed Land Uses			
Apartment	197 DU	6/DU	1,182
Condominiums	53 DU	8/DU	424
Restaurant	3,500 SF	100 KSF	350
Open Space	5.5 acres	2/acre	11
Farm Stand	1,232 SF[2]	40/KSF[3]	50
Nursery[4]	0.07 acres	90/acre	7
		Subtotal	**2,024**
		Total	**1,690**

Source: SANDAG (not so) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002
Notes:
1. Based on driveway counts collected on a midweek day in October 2019.
2. This is net square feet from the 3,213 gross square feet for farm stand.
3. Garden nursery rate, which is also consistent with specialty retail/commercial retail trip generation.
4. Based on the project components in the first project submittal to the City as well as in the project's NOP, a nursery was included in the project trip generation analysis in the Vehicle Operations and Queuing Analysis (Appendix O-2). Although a nursery is no longer proposed as part of the project, the ADT from this use (7 ADT) is included in the analysis in this EIR to be conservative and to over-estimate total trip generation.
DU = dwelling units; SF = square feet; KSF = thousand square feet

As shown, the proposed project would generate 2,024 ADT. Implementation of the proposed project would also replace the existing 334 daily trips associated with the existing agricultural operations, and therefore, the proposed project's net increase is 1,690 ADT.

The proposed project is consistent with the Encinitas General Plan. However, based on the Regional TIS Guidelines, the proposed project does not fall below the ADT screening threshold of 1,000 ADT as discussed above under *Methodology*; therefore, a VMT/Capita and VMT/Employee analysis has been conducted using the SANDAG Series 13 Travel Demand Model.

To calculate the average VMT/Capita and VMT/Employee generated by the proposed project, the project's land uses outlined in Table 3.12-2 were incorporated into the SANDAG Series 13 Travel Demand Models for the Base Year (2012) and RTIP Year (2020). A Select Zone assignment was conducted for the project Transportation Analysis Zone (TAZ) which tracked and calculated the project VMT by user type. The results of the Select Zone assignment are provided in Table 3.12-3. Model output results are presented in Appendix C of Appendix O-1.

The proposed residential uses are anticipated to generate a VMT/Capita of 18.7 miles during the RTIP Year (2020), which exceeds the 85% significance threshold. For the commercial uses, the proposed project's restaurant uses are anticipated to generate a VMT/Capita of 27.6 miles during the RTIP Year (2020), which exceeds the 85% significance threshold for all area averages. Therefore, the project would have a potentially significant VMT related transportation impact.

The proposed project's VMT/Capita and VMT/Employee are not anticipated to fall under the significance threshold as the project site is located in a suburban area that includes single-family homes with higher automobile ownership as compared to the region. While the proposed project is located on an infill site, would contain a mix of uses on-site, includes a suite of project design features to enhance sustainability, would provide for a variety of housing types including "very low" income affordable housing, and is consistent with City's General Plan, Local Coastal Program, Encinitas Ranch Specific Plan, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average. It is noted this impact is primarily a result of the geographic location of the proposed project in a suburban neighborhood, as trip characteristics of the surrounding residential land uses are used as a surrogate to estimate proposed project trip characteristics, regardless of the inherent differences between the land uses (described above). Therefore, VMT may be overestimated for the project, as the model assumes travel patterns reflective of the surrounding single-family neighborhoods.

Table 3.12-3 VMT Results Impact Analysis

Metric	Proposed Project	Region Average	Project % of Region Average	Significant Impact?[1]	Encinitas Average	Project % of Encinitas	Significant Impact?
VMT/Capita	21.1	17.6	119.9	Yes	20.8	101.4	Yes
VMT/Employee	28.8	25.9	111.2	Yes	29.2	98.6	Yes
VMT/Capita	18.7	16.4	114.0	Yes	18.9	98.9	Yes
VMT/Employee	27.6	24.9	110.8	Yes	27.4	100.7	Yes

1. Significant impact if greater than 85%.
Source: Chen Ryan, 2020 (Appendix O-1).

Additionally, it is worth noting the limitations of the SANDAG model and its inability to capture project features that could reduce the proposed project's VMT (as specified in Table 3.2). SANDAG's Travel Demand Model is built at the regional level, making it limited to capture all the nuances of individual project sites, such as benefits of small mixed uses, affordable housing components, or the proposed travel demand management measures that will be provided by the proposed project.

Nonetheless, the proposed project would have a potentially significant VMT-related transportation impact. To reduce the VMT/Capita and VMT/Employee associated with the proposed project to a less than significant level, VMT reducing measures would need to be implemented. Accordingly, a Transportation Demand Management (TDM) analysis was conducted using the California Air Pollution Control Officers Associates (CAPCOA) resource document "Quantifying Greenhouse Gas Mitigation Measures," August 2010 (CAPCOA Report) to identify the type and magnitude of TDM features the project would need to implement to reduce project VMT to less than significant levels. To quantify the potential reduction in project-generated VMT, the VMT based reduction strategies were applied to the relevant features contained in the proposed project's design and TDM plan. Refer to Appendix D of Appendix O-1 for the CAPCOA Fact Sheets used in this evaluation.

Implementation of the TDM plan is aimed at vehicle trip reduction, increased use of alternative travel modes, and better traffic management in the vicinity of the project area. The TDM program is organized in the following three strategy types: Land Use Strategies, Neighborhood/Site Enhancements, and Commute Trip Reduction Strategies. The majority of the measures are included in the proposed project (refer to Chapter 2.0, Project Description) while enforceable additive measures are listed under mitigation measure **TR-1** at the end of this threshold discussion. TDM measures proposed for the project include:

Land Use Strategies

- "Mix of Uses" - The project provides a mix of land uses, including residential, commercial and recreational uses, so that residents of the proposed project have access to basic amenities without having to travel outside of the project site. This proximity would lower vehicle miles traveled because residents can use non-automobile transportation modes to reach the various uses available within the site.

- "Affordable Housing" - The project provides 40 very-low income affordable housing units, which provide greater opportunity for lower income families to live closer to jobs centers and achieve jobs/housing match near transit and allow a greater number of families to be accommodated within a given building footprint.

Travel and Commute Services for Residents and Employees

Neighborhood/Site Enhancements

- "Pedestrian Connections" - The project would develop a pedestrian network that provides accommodations on-site as well as convenient pedestrian access to Leucadia Boulevard and Quail Gardens Drive.

- "Multi-use Trail" - The project Conceptual Site Plan includes a multi-use path that loops the site. Multi-use trails and paths comprise a total of nearly two miles within the site. The multi-use trails and paths shall be constructed in conformance with that shown on the approved final Conceptual Site Plan.

Commute Trip Reduction Strategies

- "Business Center" - The project would include a resident business center in the community recreation center with Wi-Fi access for residents, printers/scanners, and other office amenities to enable residents to work remotely rather than commuting to work.

- "TDM Marketing Program"

    - Promote and advertise various transportation options, including promoting information and resources regarding SANDAG's iCommute program, which provides support to commuters through a variety of TDM measures, such as carpool matching services, vanpool, and other services.

    - Promote formal and/or informal networks among residents for carpool/ vanpool purposes.

- Promote available websites providing transportation options for residents.
- Create and distribute a "new resident" information packet addressing alternative modes of transportation.

- "School Pool" - The project would coordinate and implement a "school pool" program for project students**.**

Appendix O-1 provides a detailed analysis of the calculated VMT reductions achieved for each of the strategies. When determining the overall VMT reduction associated with the proposed project, the VMT reduction for each individual strategy requires adjustment to reflect the condition that some of the strategies may be redundant or applicable to the same populations. Consequently, the total VMT reduction that would be associated with the TDM measures would be 4.1% for employment related VMT attributable to transit pass subsidies, and 1.0% for residential related VMT (even though the total summation of the VMT reductions for residential-related TDM measures is greater than 1.0%). Table 3.12-4 summarizes the reduction percentages needed to reduce the project's VMT/Capita and its VMT/Employee impacts to less-than-significant levels.

Table 3.12-4 VMT Percentage Reduction Requirements by Geographic Area

Metric	Project TDM VMT Reduction	Region Average		City of Encinitas	
		% Reduction to Mitigate	Mitigated?	% Reduction to Mitigate	Mitigated?
VMT/ Capita	1.0%	40.7	No	19.2	No
VMT/ Employee	4.1%	30.9	No	16.1	No
VMT/ Capita	1.0%	34.5	No	16.1	No
VMT/ Employee	4.1%	30.9	No	18.5	No

Source: Chen Ryan, 2020 (Appendix O-1).

As shown, implementation of the proposed TDM measures would not reduce project related impacts levels below the established thresholds and transportation impacts relative to VMT would remain **significant and unavoidable**.

Mitigation Measures:

TR-1: The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled.

- "E-Bike Share" - The project shall implement an electric bike share program to link to local Encinitas destinations and reduce motorized vehicle trips. The electric bike share program would provide for the availability of 10

electric bikes for the exclusive use of project residents to provide sustainable transportation as a substitute for individual vehicle ownership/use. In addition to the E-Bike program, high quality bike parking would be provided for project residents.

- "Car share dedicated parking" - Two parking spaces west of the community recreation center shall be dedicated to accommodate car sharing opportunities.
- "Transit Passes Subsidies" - NCTD Regional Transit passes shall be offered to the 20 on-site employees as an alternative to parking at the project site.

Level of Significance: Significant and unavoidable. While the proposed project is located on an infill site, would contain a mix of uses on-site, includes a suite of project design features to enhance sustainability, would provide for a variety of housing types including "very low" income affordable housing, and is consistent with City's General Plan, Local Coastal Program, Encinitas Ranch Specific Plan, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**.

DESIGN FEATURES

Impact 3.12-3	**The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.**

Increase Hazards

As stated in Impact 3.12-1, minor improvements would be required to ensure adequate access to the project site along Quail Gardens Drive. Sidonia Street would be widened and improved to meet City standards for a local residential street, even though the proposed project would only provide for emergency access through a gate on Sidonia Street. Therefore, the project does not propose any roadway improvements that would result in sharp curves or dangerous intersections either on-site or off-site.

The site would be improved with high visibility driveway ingress and egress along Quail Gardens Drive (and Sidonia Drive if the option for secondary access is implemented). In conformance with City standards, the applicant would be required to prepare a traffic control plan to ensure that adequate circulation is maintained during construction and that no hazardous conditions result from such activities.

Based on comments received during the public scoping meeting, an evaluation of the potential for the project to increase hazards at the Sidonia Street/Leucadia Boulevard and Leucadia Boulevard/Quail Gardens Street intersections was prepared. Traffic collision data was collected for the intersections of Leucadia Boulevard/Sidonia Street and Leucadia Boulevard/Quail Gardens Street for the years 2006 to 2020. A total of 24 collisions were reported at the Leucadia Boulevard/Sidonia Street intersection between 2006 and 2020, with the greatest number of accidents occurring in 2018 with 6 reported collisions. The majority of these collisions were vehicle related, with the primary collision factor being vehicles traveling at unsafe speeds (Chen Ryan 2020; Appendix O-2).

The Leucadia Boulevard/Quail Gardens Drive intersection experienced a total of 41 collisions reported between 2010 and 2020. The greatest number of collisions occurred in 2012 with 7 reported collisions. The primary collision factor of the reported collisions at this intersection was vehicles traveling at unsafe speeds. All collisions involved a vehicle, and one collision involved a pedestrian (Chen Ryan 2020; Appendix O-2). The data suggests that the hazardous condition is an existing condition caused by excessive speeds. This condition would not be degraded by improvements constructed by the proposed project because no off-site improvements are required at either intersection. Further, the City of Encinitas is currently preparing plans to improve the Quail Gardens Drive/Leucadia intersection.

For the Leucadia Boulevard/Quail Gardens Drive intersection under existing conditions, an estimated 545 vehicle trips exit Quail Gardens Drive onto Leucadia Boulevard in the AM peak hour and 354 exit during the PM peak hour. An estimated 90 trips enter Quail Gardens Drive from Leucadia Boulevard in the AM peak hour and 139 enter Quail Gardens Drive during the PM peak hour (refer to Figure 4.2 of Appendix O-2).

For the Leucadia Boulevard/Quail Gardens Drive intersection under existing plus project conditions, an estimated 638 vehicle trips exit Quail Gardens Drive onto Leucadia Boulevard in the AM peak hour and 385 exit during the PM peak hour. An estimated 102 trips enter Quail Gardens Drive from Leucadia Boulevard in the AM peak hour and 254 enter Quail Gardens Drive during the PM peak hour (refer to Figure 4.2 of Appendix O-2). While the proposed project would increase the number of daily turn movements at this intersection, it would not construct or otherwise result in physical alteration of the intersection that would contribute to a substandard design.

Additionally, a queueing analysis was conducted for the project's single driveway and the movements on the Quail Gardens Drive/Leucadia Boulevard intersection to determine if extensive queues would form on the two roadways that would in turn affect project driveway operations. The analysis determined that the southbound left-turn pocket at the Quail Gardens Drive and Leucadia Boulevard intersection queue exceeds the pocket length by one vehicle

length. To accommodate the anticipated full length of the southbound left-turn queue, the existing median could be reconstructed to lengthen the southbound left-turn storage pocket at Leucadia Boulevard and shorten the northbound left-turn pocket at the project driveway since there is sufficient storage to serve the project trips. Such improvements would not impede traffic at the driveways or on the adjacent roadway system. Additionally, this queue spillback is not anticipated to substantially affect traffic on Quail Gardens Drive as it only extends beyond the pocket by one vehicle during the busiest time of the peak hour (refer to Appendix O-2). Therefore, improvements are not recommended as the impacts would be less than significant.

Sidonia Secondary Access Option

The access point at Sidonia Street is proposed as gated emergency access only (no vehicular access for residents), consistent with community feedback received during the NOP scoping period and associated conversations with City staff.

Based on input from City staff, an "option" to retain full secondary access to Sidonia Street has been analyzed in this EIR (described throughout this EIR as the "Sidonia Secondary Access Option"). Analysis and findings herein encompass both access options unless specifically noted. Refer to Appendix O-2 for information on LOS effects on area roadways and intersections under this scenario.

The Leucadia Boulevard/Sidonia Street intersection was analyzed to determine if the selection and implementation of the Sidonia Secondary Access Option would increase the potential for hazards at the intersection. Under existing conditions, an estimated 29 vehicle trips exit Sidonia Street onto Leucadia Boulevard in the AM peak hour and 24 exit during the PM peak hour. An estimated 20 trips enter Sidonia Street from Leucadia Boulevard in the AM peak hour and 50 enter Sidonia Street during the PM peak hour (refer to Figure 4.2 of Appendix O-2).

For the Leucadia Boulevard/Sidonia Street intersection under existing plus project conditions, an estimated 29 vehicle trips exit Sidonia Street onto Leucadia Boulevard in the AM peak hour and 24 exit during the PM peak hour. An estimated 20 trips enter Sidonia Street from Leucadia Boulevard in the AM peak hour and 50 entering Sidonia Street during the PM peak hour (refer to Figure 4.3 of Appendix O-2). Therefore, because the proposed project would not increase the number of turn movements at this intersection, impacts would be less than significant.

Incompatible Uses

The proposed project also includes a 5.4-acre organic farm on the northern portion of the property. Farm operations would require the use of a tractor for occasional soil preparation and hauling of agricultural goods. The equipment would be used intermittently and would not be expected to substantially increase hazards due to an incompatible use (e.g., farm operations). The nearest

sensitive use (residential) would be located over approximately 190 feet to the west of the western edge of the proposed on-site farm area; refer to Figure 2.0-5, Conceptual Site Plan. Therefore, on-site operation of farm equipment would not result in an adverse effect with regard to design hazards.

The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMERGENCY ACCESS

Impact 3.12-4	**The project would not result in inadequate emergency access. Impacts would be less than significant.**

As indicated above, access to the project site would occur from Quail Gardens Drive, with the potential option for secondary access to be provided off of Sidonia Drive. The access point at Sidonia Street is proposed as a gated emergency access only (no vehicular access for residents), consistent with community feedback received during the NOP scoping period. The City of Encinitas Fire Department has indicated that the provision of a Knox box at the gate on Sidonia Street would ensure sufficient secondary access in case of emergency response. However, the option to retain full secondary access to Sidonia Street is also analyzed in this EIR for consideration by the City's decision-makers and would similarly provide for secondary access acceptable to the Encinitas Fire Department.

Interior circulation is proposed via a two-lane, 26-foot-wide roadway system that would connect east-west through the site. An internal fire access loop road and series of private alleys would provide vehicular access to all residential units; refer to Figure 2.0-5, Conceptual Site Plan.

All project roadway and access improvements have been designed in conformance with City engineering and fire department standards for emergency access and circulation. The proposed project would not alter any established emergency vehicle routes or otherwise interfere with emergency access. A traffic control plan would be prepared to ensure that adequate access and circulation is maintained on all surrounding streets during the project construction phase. The project would not result in inadequate emergency access. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.12-5	**The project would result in a significant cumulative impact related to transportation. Impacts would be cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative impacts relative to transportation, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects.

Potential Cumulative Impacts

As indicated above, the proposed project would not contribute to a significant impact resulting from conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities.

Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be evaluated at a project-specific level to identify conformance requirements with planned systems (i.e., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to make payment of the City's Transportation Fees to ensure that transportation facilities continue to be adequately provided and maintained. As the proposed project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with the cumulative projects.

When using an absolute VMT metric (i.e., total VMT, as recommended for retail and transportation projects), analyzing the combined impacts for a cumulative impact analysis may be appropriate. However, metrics such as VMT/Capita or VMT/Employee (i.e., metrics framed in terms of efficiency, as recommended below for use on residential and office projects), cannot be summed because they employ a denominator.

A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa (OPR 2018).

According to ITE's Regional TIS Guidelines, the proposed project does not fall below the ADT screening threshold of 1,000 ADT. The proposed residential uses are anticipated to generate a VMT/Capita of 18.7 miles during the RTIP Year (2020), which exceeds the 85% significance

threshold. For the commercial uses, the proposed project's restaurant uses are anticipated to generate a VMT/Capita of 27.6 miles during the RTIP Year (2020), which exceeds the 85% significance threshold for all area averages. Although mitigation measure **TR-1** would be implemented to reduce the proposed project's VMT, it would remain above established thresholds, resulting in a significant and unavoidable impact. Therefore, the project would result in significant and unavoidable transportation impact related to VMT.

The project is consistent with the City's General Plan, Local Coastal Program, Zoning, and Housing Element Update, and would not conflict with the RTP/SCS; refer also to EIR Section 3.5, Energy Conservation and Climate Change, for additional discussion. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible.

According to the OPR Technical Advisory (OPR 2018), increased demand on transit systems throughout a region may cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that allocates the cost of improvements not just to projects located near transit, but on a regional level for all projects that may impose a potential burden on the transportation system.

The proposed project would result in the construction of 250 residential units (including 197 apartments) generating an estimated 628 residents, consistent with the HEU. It is not anticipated that the proposed project would therefore create a significant new demand on existing transportation facilities either locally or on a regional level. Further, similar to other cumulative projects considered, the proposed project would be subject to payment of the City's Transportation Impact Fees to ensure that the City's transportation facilities are adequately maintained over the long-term.

All cumulative projects would be evaluated at a project-specific level to identify whether the project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to discretionary review to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The proposed project would be consistent with City design requirements and would not introduce incompatible uses that would increase the risk of hazardous conditions.

All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system,

including on maintaining emergency access at all times. Measures (i.e., traffic control plan, design elements) would be implemented as appropriate to ensure that a project does not contribute to a significant impact relative to inadequate emergency access. The proposed project would not have an adverse effect on the ability to provide adequate emergency access, and all such emergency access and on-site circulation has been designed to City standards. The proposed project is therefore not considered to contribute to a significant cumulative impact in this regard.

Based on the reasons discussed above, however, and that project-specific impacts relative to VMT would be significant and unavoidable, even with the incorporation of mitigation measure **TR-1** to reduce project impacts to the maximum extent feasible and other sustainability-related design features, the project's contribution to VMT impacts is considered to be **cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **TR-1**.

Level of Significance: Significant and unavoidable.

Section 3.13
Tribal Cultural Resources

This section addresses the proposed project's potential impacts in relation to tribal cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. By statute, "tribal cultural resources," are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B). Tribal cultural resources are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B).

The analysis in this section is based on the *Cultural Resources Inventory and Evaluation Report* (2020b) prepared by ECORP Consulting, Inc. (ECORP) and peer reviewed by Michael Baker International, the City of Encinitas, and consultation with the San Luis Rey Band of Mission Indians. Due to the sensitive and confidential nature of cultural resources, portions of the report have been redacted (Appendix E). The analysis herein is further based on the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a).

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas, along a coastal ridge within a highly developed, suburban neighborhood setting. The site lies approximately 1.4 miles east of the Pacific Ocean and 1.4 miles south of Batiquitos Lagoon. On-site elevations range from approximately 300 to 320 feet above mean sea level.

The project site is located on a ridge just to the south of a natural drainage. The underlying geology of the project area has been mapped as very old paralic deposits, Units 10 and 11, dated back to the Early to Middle Pleistocene (2.588–0.126 Ma).[1] Native on-site soils are described as poorly sorted, moderately permeable, reddish-brown, interfingered strandline, beach, estuarine, and colluvial deposits composed of siltstone, sandstone, and conglomerate (ECORP 2020b). These geological deposits are typical of near-coastal ridges and bluffs in San Diego County, whereas the older stratigraphy of the Santiago Formation (Middle Eocene 47.8–37.8 Ma) may be found in the drainage below the ridge.

Four soil types are located within the project area: Carlsbad gravelly loam sand, 2 to 5 percent slopes; Chesterton fine sandy loam, 2 to 5 percent slopes; Cinebar coarse sandy loam, 5 to 15

[1] Paralic: Formed in, occurring in, or inhabiting shallow water near the sea; ma: megaannum, or one million years.

percent slopes; and rough broken land at the northeastern edge of the project area where erosion of the terrace has taken place (ECORP 2020b).

The potential for buried pre-contact archaeological sites in the project area does exist due to proximity to the Pacific Ocean. Additionally, the region is recognized to have been in regular use by Native Americans for thousands of years. The drainage located to the north of the site also contributes to this potential as pre-contact archaeological sites have been identified along perennial and intermittent waterways in the region.

Cultural Resources Inventory Results

Records Search

The area of potential effect (APE) represents the area that would be affected by project development, and therefore, could be subject to potential direct or indirect impacts on cultural resources if such resources are determined to be present. The boundaries of the APE analyzed include areas proposed for construction, vegetation removal, grading, trenching, stockpiling, staging, paving, and other such disturbance. Refer to Figure 2, Project Location, of the *Cultural Resources Inventory and Evaluation Report*.

A records search was conducted in February 2020 for the APE and a surrounding 1-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University.

The CHRIS records search determined that 21 previously recorded cultural resources are located within one mile of the project area; refer to Table 1, Previously Recorded Cultural Resources In or Within One Mile of the Project Site, of the *Cultural Resources Inventory and Evaluation Report*. Resources comprise a mix of habitation/camp sites, shell middens, shell and lithic scatter, lithic tools, and ceramic potsherds; two historic-period houses and a trash deposit; and a pre-contact habitation site and a historic-period farmstead. No previously recorded resources are located within the project area.

Sacred Lands File Results

The California Native American Heritage Commission (NAHC) identifies, catalogs, and protects Native American cultural resources on private and public lands in California. Cultural resources include graves, cemeteries, and places of special religious or social significance to Native Americans. The NAHC also records the historical territories of state recognized tribes into a database called the Sacred Lands File. A records search of the Sacred Lands File is conducted to ensure that the tribes potentially affected by a project are properly notified and consulted.

A search of the Sacred Lands File in March 2020 did not identify any sacred lands within the project boundary (ECORP 2020b). However, the absence of specific site information does necessarily indicate the absence of cultural resources in the project area as unknown cultural resources may be located on-site.

Field Survey Results

A site survey was conducted in March 2020. During the survey, it was noted that the majority of the project area was currently developed with artificial paving, other modern permanent structures, and modern built environment features that obscure any native soils or surfaces. The project site currently supports a commercial agricultural use consisting of greenhouses, flower processing stations, and other appurtenant features (refer to Appendix E). Visibility of open areas on-site was good (approximately 80 to 100 percent); however, these areas consisted of paved roadways, graded dirt roads, and artificial dirt drainages within the property. Additionally, visible soils are either imported fill or highly disturbed local material that has been graded or transported to the project site.

No tribal cultural resources were identified as a result of the field survey; however, two historic-period cultural resources were identified during the survey (refer to Section 3.4, Cultural Resources).

REGULATORY FRAMEWORK

State

Assembly Bill 52

California Assembly Bill (AB) 52 (2014) established a formal consultation process for California tribes in the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change to the significance of a tribal cultural resource would require a lead agency to "begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project." A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- Listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources;
- Determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1;

- A geographically defined cultural landscape that meets one or more of these criteria; or
- A historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

AB 52 provides guidance for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known or unknown tribal cultural resources and to identify appropriate mitigation for such impacts. PRC Section 21074(a) defines tribal cultural resources, indicating that a project having the potential to cause a substantial adverse change to a tribal cultural resource is a project that may have an adverse environmental effect.

Under AB 52, tribes that wish to be notified of projects subject to CEQA are to send a letter to the lead agency making it known they wish to be notified. The City is then obligated to send notifications inviting consultation to the requesting tribe for all subsequent projects subject to CEQA.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (25 U.S. Code 3001 et seq.) was enacted in 2001. Pursuant to the act, federal and state institutions and museums that receive federal funding and having possession or responsibility for collections of human remains or cultural artifacts are required to return Native American cultural items to their respective peoples. In addition, the act establishes a program of federal grants to assist in the repatriation process and authorizes the Secretary of the Interior to assess civil penalties on museums that fail to comply.

California Health and Safety Code Sections 7050.5, 7051, and 7054

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local

City of Encinitas General Plan

Resource Management Element

The Resource Management Element of the General Plan addresses both archaeological and historical cultural resources. The element includes maps of the City identifying areas of low, moderate, and high cultural resource sensitivity. The element identifies mitigation procedures for archaeological sites discovered during the excavation or construction phases of a new project. It also calls for an inventory of all historically significant sites and/or structures that require protection.

The following goal and policies are relevant in protecting tribal, cultural, and paleontological resources in the City.

GOAL 7:	**The City will make every effort to ensure significant scientific and cultural resources in the Planning Area are preserved for future generations.**
Policy 7.1:	Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.
Policy 7.2:	Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
    - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PROJECT IMPACTS AND MITIGATION

TRIBAL CULTURAL RESOURCES

Impact 3.13-1	**The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Impacts would be less than significant with mitigation incorporated.**

The NAHC was contacted to request a search of the Sacred Lands File in March 2020. The record search did not identify any sacred lands within the project boundary (ECORP 2020b). However, the absence of specific site information does necessarily indicate the absence of cultural resources in the project area as unknown cultural resources may be located on-site.

The San Luis Rey Band of Mission Indians have requested notification of CEQA projects in the City per AB 52. The Tribe has noted that the properties adjacent to the Batiquitos lagoon are within their sphere-of-influence. The proposed project is located approximately 1.5 miles south from the lagoon.

In August 2020, the City initiated the consultation process in writing with the Tribe and is awaiting a response.

No tribal cultural resources have been identified in the project boundary. If no tribal cultural resources are identified during the consultation process, a significant impact to known tribal cultural resources would not occur. However, subsurface construction disturbances (e.g.,

trenching, excavation, grading) associated with the proposed project would have the potential to impact unknown tribal cultural resources.

To ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, Native American monitoring is required. Monitoring would allow for any discovery of unknown resources to be readily managed in accordance with federal and state law to prevent potential damage (refer to mitigation measure **CR-1** to **CR-3**). With implementation of mitigation measures **CR-1** to **CR-3**, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: The mitigation measures for Impact 3.13-1 are the same as mitigation measures **CR-1** to **CR-3**, which were previously described under Impact 3.4-2 of this EIR. Mitigation measures **CR-1** to **CR-3** are repeated in this section for the reader's convenience.

CR-1 **Cultural Resources Monitoring Program.** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (San Luis Rey Band of Mission Indians) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be

directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the San Luis Rey Band of Mission Indians ("San Luis Rey Band"). Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a data recovery is required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

CR-2 **Prepare Monitoring Report and/or Evaluation Report.** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the qualified archaeologist, along with the TCA

Native American monitor's notes and comments, to the City's Development Services Director for approval.

CR-3 **Identification of Human Remains.** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

Impact 3.13-2	**The project could result in cumulative impacts related to tribal cultural resources. Impacts would be less than cumulatively considerable with mitigation incorporated.**

Geographic Scope

Relative to CEQA, the importance of a tribal cultural resource is the value of the resource to California Native American tribes culturally affiliated with a certain project area. On a cumulative level, the cumulative loss of the tribal cultural resource must therefore be evaluated. No impact would occur if development would avoid or otherwise preserve known tribal cultural resources

within dedicated on-site open space. However, if such resources cannot be avoided or preserved, an impact would occur, and consideration of how the loss of the resource, in combination with other tribal cultural resources, is included in this cumulative analysis.

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis is based on the "worst-case" assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects and conservatively assumes the remaining 12 HEU sites (those sites other than the proposed project and the two HEU sites currently being processed) would apply the density bonus allowance to achieve a maximum density of residential units (see Table 3.0-2).

Potential Cumulative Impacts

Urban development that has occurred over past decades in San Diego County has resulted in adverse impacts on innumerable tribal cultural resources. However, the adoption of state and federal laws related to tribal cultural resources, such as AB 52, have provided a mechanism for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known and/or unknown tribal cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to tribal cultural resources. Federal, state, and local laws protect tribal cultural resources in most instances, but this is not always feasible, particularly when in-place preservation may complicate the implementation of a development project. Future development may conflict with these resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

Although no known tribal cultural resources of significance or human remains have been documented on the project site, implementation of the proposed project could contribute to potential cumulative impacts on unknown tribal cultural resources, as well as buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, tribal cultural resources throughout the region over time. However, there are federal, state, and local laws designed to protect such resources. These laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

The proposed project would implement mitigation measures **CR-1 to CR-3**, which address the discovery and recovery of unknown tribal cultural resources through construction monitoring,

identification of potential tribal cultural resources, and evaluation of the significance of a discovery. Mitigation measures would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, state, and local regulations, combined with the implementation of mitigation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on tribal cultural resources would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with tribal cultural resources would be less than significant with incorporation of mitigation measures **CR-1** to **CR-3** and the proposed project and cumulative projects would be subject to conformance with applicable federal, state, and local requirements for the protection of such resources. Therefore, the proposed project's contribution to impacts on tribal cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1** to **CR-3**.

Level of Significance: Less than cumulatively considerable.

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Section 3.14
Utilities and Service Systems

This section addresses potential utilities and service systems impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the availability of water, wastewater treatment, stormwater, electric power, natural gas, telecommunications facilities, and solid waste facilities in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project implementation, as applicable.

The information and analysis in this section is based on the *Sewer Systems Analysis* (2020a; Appendix P-1), *Off-site Sewer System Analysis* (2020b; Appendix P-2), and *Water System Analysis* (2020c; Appendix Q) prepared by Dexter Wilson Engineering, Inc.; the *Project Facility Availability Form*, prepared by the Encinitas Sanitary Division (2020; Appendix R); and the *Project Facility Availability Form*, prepared by the San Dieguito Water District (2020; Appendix R). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018a). Third party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site supports an active botanical nursery. The site contains greenhouses that cover a majority of the property, storage tanks, detached storage structures, restroom facilities, and a single-story residential structure located in the southwestern portion of the site. A perimeter road traverses the northern portion of the project site and two throughway roads provide access in the east–west direction. Existing on-site roads are made of dirt, asphalt-concrete, and/or Portland concrete cement. Power poles providing electrical service to the site are visible. However, within the property boundaries, the lines are undergrounded.

Water

The project site is located within the San Dieguito Water District (SDWD). Public water service to the project site is provided by SDWD. The SDWD is a subsidiary of the City and provides water to the approximately 38,000 residents in its service area. Approximately 30 percent of SDWD water is from local sources, while the remainder is imported.

Projected water demand for the SDWD for all water use sectors except for agriculture have been estimated and are assumed to increase proportionally with population growth. Table 3.14-1, SDWD Population – Current and Projected, shows the projected population served by the SDWD in the year 2035.

Table 3.14-1: SDWD Population – Current and Projected

Year	2015	2020	2025	2030	2035	Increase (2015-2035)
Population Served	37,200	38,212	38,759	39,306	39,853	2,653

Source: SDWD 2016.

Water Supply Planning

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.14-2, Total Water Demands in Acre-Feet per Year, shows the SDWD's estimated water supply projections for the year 2035.

Table 3.14-2: Total Water Demands in Acre-Feet per Year

	2020	2025	2030	2035
Potable and Raw Water	6,829	6,868	6,910	6,953
Recycled Water Demand	730	750	750	750
Total Water Demand	**7,559**	**7,618**	**7,660**	**7,703**

Source: SDWD 2016.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, shows estimated SDWD water supply projections from the year 2020 to 2035.

Table 3.14-3: Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year

		2020	2025	2030	2035
Normal Year	Supply totals	7,692	7,752	7,795	7,838
	Demand totals	7,559	7,618	7,660	7,703
	Difference	*133*	*134*	*135*	*135*
Single-Dry Year	Supply totals	8,005	8,068	8,112	8,157
	Demand totals	8,005	8,068	8,112	8,157
	Difference	*0*	*0*	*0*	*0*
Multiple-Dry Year (1st Year)	Supply totals	7,076	7,131	7,170	7,210
	Demand totals	6,501	6,552	6,588	6,624
	Difference	*575*	*579*	*582*	*585*

Table 3.14-3, continued

		2020	2025	2030	2035
Multiple-Dry Year (2md Year)	Supply totals	7,225	7,281	7,322	7,362
	Demand totals	6,501	6,552	6,588	6,624
	Difference	*724*	*730*	*734*	*738*
Multiple-Dry Year (3rd Year)	Supply totals	6,815	6,868	6,906	6,944
	Demand totals	6,501	6,552	6,588	6,624
	Difference	*315*	*317*	*318*	*320*

Source: SDWD 2016.

According to the UWMP, single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain and therefore some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority (SDCWA) and utilize its carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, "additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, will be taken to fill the supply shortage." As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016). As shown in Table 3.14-3, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

Wastewater

The project site is located entirely within the Encinitas Sanitary District (ESD), on the jurisdictional border of ESD and the Leucadia Wastewater District (LWD). The existing City sewer system in the vicinity of the project consists of gravity sewer pipelines. There is an 8-inch gravity sewer line in Quail Gardens Drive along the east side of the project site which conveys flows south to Leucadia Boulevard and then west in Leucadia Boulevard. There is an existing 8-inch sewer line on-site that conveys flow south to Leucadia Boulevard. Flow is then conveyed west in Leucadia Boulevard and south from Leucadia Boulevard where it crosses I-5 and eventually connects to the Encinitas Trunk Sewer in Encinitas Boulevard. The Encinitas Trunk Sewer conveys flows west to the Moonlight Beach Pump Station. The pump station then conveys flow north for treatment and disposal. Additionally, there is an existing 8-inch sewer line in Sidonia Street that serves the existing Fox Point neighborhood to the west of the project site and conveys flows north in the LWD system.

Stormwater Facilities

Existing site topography is generally flat with slopes ranging from 0 to 5 percent. A majority of the project site drains from east to west and enters onto Sidonia Street via sheet flow where it is collected in an existing storm drain system located at the north end of Sidonia Street. A small southerly portion of the project site flows southeast into an existing swale and eventually into the existing storm drain system within Quail Gardens Drive before discharging into a reservoir at the golf course.

Electricity

San Diego Gas and Electric (SDGE) currently provides electrical services to the project site. As stated above, electrical poles providing electrical service to the project site are visible along adjacent roadways. However, within the property boundaries, these lines are undergrounded.

Natural Gas

San Diego Gas and Electric (SDGE) currently provides natural gas services to the project site.

Telecommunications Facilities

Telecommunications facilities are not currently provided on the project site. The major service providers that serve the City and their coverages are listed below (Broadband Now 2020):

- AT&T Internet - 99.5% Availability
- EarthLink - 99.5% Availability
- Cox - 68.3% Availability
- Spectrum – 63.5% Availability

Solid Waste Disposal

The City has an exclusive franchise agreement with EDCO Waste and Recycling Services (EDCO) to provide solid waste collection services in Encinitas for both residential and commercial customers. EDCO is the only authorized company that can haul solid waste in the City. Residential trash service includes curbside green waste collection and recyclable materials (mixed paper, glass, plastic, and aluminum cans) collection at no additional charge.

EDCO transports the collected solid waste to a transfer center which then takes it to either the Sycamore Landfill in Santee or the Otay Landfill in Chula Vista. The Otay Landfill has a maximum permitted capacity of 61.15 million cubic yards and a remaining capacity of 21.19 million cubic

yards. The Otay Landfill has a cease operation date of February 28, 2030. The Sycamore Landfill has a maximum permitted capacity of 147.9 million cubic yards and has a remaining capacity of 113.97 million cubic yards. The Sycamore Landfill has a cease operation date of December 31, 2042 (CalRecycle 2019a, 2019b).

REGULATORY FRAMEWORK

Federal

Safe Drinking Water Act

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the Environmental Protection Agency (EPA) the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

State

Safe Water Drinking Act

Similar to the federal act, California implements the state's Safe Drinking Water Act (Health and Safety Code Section 116270 et seq.) to ensure public health and safety relative to clean drinking water. Under this act, the California Department of Public Health has the authority to protect public drinking water by adopting contaminant levels not to be exceeded in potable water supplies. Such thresholds are equal to or more stringent than those established at the federal level under the EPA.

State Water Resources Control Board

Created by the California legislature in 1967, the five-member State Water Resources Control Board (SWRCB) allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide

comprehensive protection for California's waters. The SWRCB is responsible for implementing the Clean Water Act and issues National Pollutant Discharge Elimination System (NPDES) permits to cities and counties through the RWQCBs. The project site lies within the jurisdiction of the San Diego RWQCB (Region 9).

California Urban Water Management Planning Act

In 1983, the State Legislature enacted the Urban Water Management Planning Act (California Water Code Sections 10610–10656), which requires specified urban water suppliers in the state to prepare an Urban Water Management Plan and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water supply availability and reliability for compliance with state laws, including Senate Bill (SB) 610 and SB 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for state funding and drought assistance.

Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon. Each supplier must report its progress on a 20 percent reduction in per capita urban water consumption by the year 2020, as required in the Water Conservation Act of 2009 (SB X7-7).

The state's urban water suppliers prepare Urban Water Management Plans (UWMPs) to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. The UWMPs include information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

The plans must be prepared every 5 years and submitted to the California Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, then submits a report to the State Legislature summarizing the status of the plans.

Senate Bill 221

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply. The term *sufficient water supply* is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with a proposed subdivision. The definition also includes the requirement that sufficient water encompass not only the project but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

California Water Recycling Standards

The State Legislature has developed requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

California Integrated Waste Management Act

Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible.

The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).

California Green Building Standards Code

The California Green Building Standards Code, commonly referred to as the CALGreen Code, is set forth in the California Code of Regulations, Title 24, Part 11, and establishes voluntary and mandatory standards pertaining to the planning and design of sustainable site development and water conservation, among other issues. Under the CALGreen Code, all water closets (i.e., flush toilets) are limited to 1.28 gallons per flush and urinals are limited to 0.5 gallon per flush. In addition, maximum flow rates for faucets are established as follows: 2.0 gallons per minute (gpm) at 80 pounds per square inch (psi) for showerheads; 1.5 gpm at 60 psi for residential lavatory faucets; and 1.8 gpm at 60 psi for kitchen faucets.

Local

City of Encinitas Climate Action Plan

The City adopted an update to the 2011 Climate Action Plan (CAP) in January 2018. In January 2020, the City published its first comprehensive CAP Annual Monitoring Report. The Annual Report summarizes the progress the City has made toward meeting the its greenhouse gas reduction targets set in the Climate Action Plan and evaluates progress made on implementing each of the 19 City actions included in the CAP.

The CAP includes promoting clean and efficient energy use, transitioning to greater proportion of renewable electricity sources, reducing vehicle miles traveled and promoting active transportation, implementing an organic waste recycling program and diverting solid waste from the landfill, promoting water conservation, and planning for anticipated future climate changes.

Water- and wastewater-related actions and supporting measures under the CAP aim to reduce both the strain on water supplies and greenhouse gas emissions from pumping and treatment activities. The City has greater jurisdiction over the handling of solid waste generated by the community, so its strategy focuses on diverting a greater percentage of waste from landfills, through such methods as composting and increased recycling.

The City's CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City's solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to 3 lbs/person/day by 2030.

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

Land Use Element

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

GOAL 4a: The City of Encinitas will ensure that the rate of residential growth does not create a demand which exceeds the capability of available services and facilities.

Housing Element 2019

In March 2019, the City Council adopted the Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element. As part of the approvals, the project site was designated with an R-30 overlay (minimum 30 dwelling units per net acre) and requires a minimum of 246 residential housing units. Relevant policies and goals related to aesthetics are provided below:

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

Policy 2.2: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

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

Integrated Regional Water Management Program for the San Diego Region

The Integrated Regional Water Management (IRWM) program is a local water resources management approach preferred by the Governor, the California Department of Water Resources, and the State Water Resources Control Board. It is aimed at securing long-term water supply reliability in California by first recognizing the interconnectivity of water supplies and the

environment, and then pursuing projects yielding multiple benefits for water supplies, water quality, and natural resources.

The San Diego IRWM program is an interdisciplinary effort by water retailers, wastewater agencies, stormwater and flood managers, watershed groups, the business community, tribes, agriculture, and regulatory agencies to coordinate water resource management efforts and to enable the San Diego region to apply for grants tied to DWR's Integrated Regional Water Management program. The Regional Water Management Group, which is the group responsible for administering and implementing the San Diego IRWM program, comprises the San Diego County Water Authority, the City of San Diego, and the County of San Diego. A Regional Advisory Committee serves to shape the IRWM program and upcoming planning and funding applications. Additionally, broad stakeholder outreach engages members of the public and other interested parties in the IRWM planning process.

The Integrated Regional Water Management Plan provides a mechanism for (1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; (2) identifying specific regional and watershed-based priorities for implementation projects; and (3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders (San Diego Integrated Regional Water Management Group 2019).

San Dieguito Water District Urban Water Management Plan

The SDWD's Urban Water Management Plan (UWMP) (2016d) assesses the existing water system conditions and demands. The plan concluded that the overall system is adequately sized to accommodate buildout under the City's adopted General Plan.

San Dieguito Water District Water Systems Master Plan

The SDWD's Water System Master Plan (WSMP) (2010) analyzed the distribution system for reliability, water quality, adequacy of fire flow demands, and storage requirements. The WSMP identifies and prioritizes capital improvement projects in the distribution system. The WSMP identified areas for improvement that were then included in the future planning horizon (year 2030) Capital Improvement Program (CIP). The CIP includes pipeline system upgrades, valve replacement, meter replacement, and treatment plant upgrades.

City of Encinitas Municipal Code Chapter 23.26 – Water Efficient Landscape Regulations

As required by the Water Conservation in Landscaping Act, the City adopted a landscape water conservation ordinance. Pursuant to the act, this ordinance establishes water use standards for landscaping. Specifically, the requirements of this chapter of the Municipal Code reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to

be applied to landscaping and by designing, installing, and maintaining water-efficient landscapes consistent with the water allowance. A project that is subject to this chapter is required to use recycled water for irrigation. Per state law, an updated Municipal Water Efficient Landscape Ordinance was adopted by the City in 2016.

Wastewater

City of Encinitas Sewer System Management Plan

The City recently updated the Sewer System Management Plan (2019) which was prepared in response to the State Water Resources Control Board's adoption of Order No. 20016-0003-DWQ, relating to the elimination of sanitary sewer overflows. The plan is required to provide response processes for sewer overflow emergencies and to ensure adequate facilities exist to support the City's needs. The plan is required to be updated every 5 years.

IMPACT ANALYSIS AND MITIGATION MEASURES

Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to utilities and service systems if the project would:

- Require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- 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.
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

PROJECT IMPACTS AND MITIGATION

UTILITY FACILITIES

Impact 3.14-1 **The project would not require, or result in, the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.**

Water

Water utilities improvements would include connections to the public water system. The project would have two points of connection. One connection would be off the existing 20-inch PVC main pipe located within Quail Gardens Drive, and the other connection would be off of the existing 8-inch asbestos cement (AC) main pipe located within Sidonia Street. The proposed system would be looped to provide the necessary redundancy consistent with the standards and guidelines listed in the Water Agencies' Standards (Appendix Q). Refer to Figure 2.0-,13, Water Service (Proposed). Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR.

The project site has three existing water meters to meet the water demands of the site's historical use as a commercial nursery. Table 3.14-4, Existing Water Use, provides the average gallons per day (gpd) of water for the existing uses on the project site based on recordings from the three existing water meters during the time frame between January 2017 and September 2017.

Table 3.14-4: Existing Water Use

Water Meter	Average Usage (gpd)
14042779	26,103
14050599	11,974
14050604	17,457
Total Average Usage	**55,534**

Notes: Historical use based on the following dates: 1/17/17 – 9/11/17; gpd = gallons per day
Source: Dexter Wilson Engineering, Inc., 2020c (Appendix: Q)

Water demand on-site would come from the proposed 250 residential units and the non-residential water use on-site, such as the 5.5 acres of agricultural fields, 10,000 sq. ft. recreation center, 3,500 sq. ft. restaurant, and other on-site uses. The projected maximum daily demand is 230,350 gpd, and the projected peak hour demand is 372,625 gpd (Appendix Q). As shown in

Table 3.14-5, Projected Average Water Demand, the projected average water demand for the proposed project is 135,500 gpd.

Table 3.14-5: Projected Average Water Demand

Land Use	Quantity	Demand Factor	Average Demand (gpd)[2]
MF Residential	250 units	450 gpd/unit	112,500
Commercial	1.3 acre	5,000 gpd/acre	6,500
Agricultural	5.5 acre	3,000 gpd/acre	16,500
Landscaping	---	0 gpd/acre[1]	0
		Total	**135,500**

Notes:
1. Proposed to be irrigated with recycled water.
2. gpd = gallons per day
Source: Dexter Wilson Engineering, Inc., 2020c (Appendix Q)

As discussed in the SDWD's (2016d) Urban Water Management Plan, the overall system of the SDWD is adequately sized to accommodate buildout under the City's adopted General Plan (City of Encinitas 2016). SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. As part of the Housing Element Update approval, the project site was designated with an R-30 overlay and allocated between 246 and 295 residential dwelling units (refer to Section 3.9, Land Use and Planning). The proposed project would result in approximately 628 residents, or approximately 24 percent of SDWD's expected increase. As the proposed project is included in the HEU, and therefore, consistent with the General Plan, SDWD is aware of the proposed project and is capable of serving the projected population growth.

In addition, SDWD has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (see Appendix R). If approved, the project site would also be included within future UWMP updates (the next update is scheduled for 2021). Further, as part of the project approval process, the project applicant would be required to provide on-site water infrastructure and pay appropriate water system capacity fees. Therefore, since SDWD has indicated that it has facilities to serve the project site for the next 5 years, and the proposed project is consistent with the General Plan and accounted for in the HEU and the Environmental Assessment, the proposed project would not require, or result in, the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Wastewater

Sewer service to the proposed project would be provided by the City of Encinitas (Encinitas Sanitary District). As stated, the project site is situated at the north end of the Encinitas Sanitary District service area. Flows from this area are eventually conveyed to the Encinitas trunk sewer line located south of the project site in Encinitas Boulevard.

The existing sewer system in the project vicinity consists of gravity sewer pipelines. There is an existing 8-inch gravity sewer line in Quail Gardens Drive, an existing 8-inch gravity sewer line in Sidonia Street, as well as an 8-inch line in Leucadia Boulevard. The proposed project would sewer to the existing collection system in Leucadia Boulevard through a connection in Sidonia Street. Project flows would be conveyed to Sidonia Street at the approximately location of the secondary access point and would then be conveyed south to a point of connection to the existing City sewer system in Leucadia Boulevard. Refer to Appendix P-1 and Figure 2.10-14, Sewer Service (Proposed).

Table 13.14-6 Project Sewer Flows, summarizes the projected average sewer flows for the project. The projected peak sewer flow for the project is estimated at 177,290 gallons per day (gpd) or 123 gallons per minute (gpm) (Appendix P-1).

Table 13.14-6: Project Sewer Flows

Land Use	Quantity	Demand Factor	Average Demand (gpd)
MF Residential	250 units	196 gpd/unit	49,000
Recreation Center	10,000 sq. ft.	1.2 EDU[1]/1st 1,000 sq. ft. 0.7 EDU/Ea. Additional 1,000 sq. ft.	2,100
Restaurant	3,500 sq. ft.	1.2 EDU/1st 1,000 sq. ft. 0.7 EDU/Ea. Additional 1,000 sq. ft.	1,120
Farm Stand	3,000 sq. ft.	1.2 EDU/1st 1,000 sq. ft. 0.7 EDU/Ea. Additional 1,000 sq. ft.	730
Agricultural	5.5 acre	0 gpd/acre	0
		Total	**52,950**

Notes: EDU = equivalent dwelling unit; gpd = gallons per day
Source: Dexter Wilson Engineering, Inc, 2020a (Appendix P-1)

An *Off-site Sewer System Analysis* (Appendix P-2) was prepared to determine whether the proposed project, in combination with existing and future development, would result in any impacts that would require replacement of existing sewer lines. As analyzed therein, under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. Further, the Moonlight Pump

Station has sufficient capacity to pump project sewerage flows. Based on existing flow rates and those anticipated for the proposed project, the projected peak wet weather flow is anticipated to be 1.91 million gallons per day (mgd). At a capacity of 2.9 mgd, the existing Moonlight Beach Pump Station is sufficient to accommodate existing flows plus those anticipated to be generated by the proposed project (Dexter Wilson 2020b).

The Encinitas Sanitary Division has completed a *Project Facility Availability Form* which states that the district is expected to be able to serve the project as proposed for the next 5 years (see Appendix R). Further, as part of the project approval process, the project applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that the wastewater treatment requirements of the RWQCB would not be exceeded. Therefore, the wastewater generated by the proposed project would not cause the Encinitas Sanitary Division to exceed the wastewater treatment requirements of the San Diego RWQCB. As such, the proposed project would not require, or result in, the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant.**

Stormwater

Refer to Section 3.8, Hydrology and Water Quality. The proposed project would collect drainage from the majority of on-site areas in water quality treatment/biofiltration basins on the westerly edge of the project site, at which point drainage would be conveyed via a private storm drain to connect to existing storm drain improvements in Sidonia Street.

As stated in the *Preliminary Hydrology Study* and shown in Figure 3.8-2, Post-Development Hydrology Node Map, runoff from drainage area A-1 would flow north into the proposed cross gutter before being conveyed westward via storm drain and discharged into the proposed biofiltration basin adjacent to Sidonia Street. After being treated and stored on the project site, the runoff would enter the existing storm drain system located at the north end of the street. Runoff generated in drainage areas A-2 and A-3 would be collected via area drains and piped to biofiltration basins where it would be treated and stored. Runoff from these areas would then flow eastward via storm drain and enter into the existing storm drain system located within Quail Gardens Drive. Runoff from drainage areas A-4 and A-5 would be conveyed westward via surface flow and storm drain to the large biofiltration basin located along Sidonia Street. Once treated, the runoff would enter into the proposed storm drain system within Sidonia Street, travel north, and connect to the existing storm drain system located at the north end of the street; refer to Appendix L.

The project proposes the use of biofiltration basins to meet the treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. As seen in Table 3.8-1, Peak Flow Rate Comparison – Unmitigated (100 Year, 6 Hour), the unmitigated peak flow from the proposed on-site drainage areas A-1, A-4, A-5, A-6 and A-7 and B-2 and B-3 would exceed or be equivalent to flows under existing conditions. As shown in Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour), post-development flows for all proposed on-site drainage areas would be reduced as compared to pre-development conditions.

Additionally, while the project site currently supports greenhouses, the impervious area credit was not taken for the existing greenhouses in the pre-development condition, as would otherwise be typical per City design standards. However, runoff generated with the greenhouses remaining on-site was included in the project analysis for comparison purposes; refer to Table 3.8-3, Peak Flow Rate Comparison with Greenhouses Included – Mitigated (100 Year, 6 Hour). As shown in Table 3.8-3, post-development flows would be substantially reduced as compared to pre-development conditions (greenhouses included) for all proposed drainage areas (A-1, A-4, A-5, A-6, and A-7; and B-2 and B-3). To reduce flow rates, the project design includes on-site biofiltration basins that would provide hydromodification management flow control and stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit. The biofiltration basins would also provide mitigation for the 100-year storm event peak discharge. The basins would be unlined and designed to retain and infiltrate a significant portion of stormwater flows. The portion of flows in excess of the infiltration capacity would therefore be less, both in volume and in peak flow rate, than that of the existing condition for all storm events.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage areas A-1, A-4, A-5, A-6 and A-7 would be approximately 2.52 cfs which would alleviate existing flooding issues on Sidonia Street during large storm events when compared to existing conditions (see Table 3.8-2, Peak Flow Rate Comparison – Mitigated (100 Year, 6 Hour)). Similarly, the project would reduce stormwater flow rates for drainage areas B-2 and B-3 to approximately 2.97 cfs as compared to existing conditions.

For larger storm events, stormwater runoff not filtered through the engineered soils would be conveyed via an overflow outlet structure consisting of a 3-foot by 3-foot grate located on top of the catch basin. Runoff conveyed via the outlet structure would bypass the small low-flow orifice and be conveyed directly to a proposed drainpipe. Runoff would continue through the drainpipe and discharge to the northwest as it does in the existing condition (Appendix L).

Therefore, the proposed project would not result in the expansion or need for new stormwater facilities, the construction or relocation of which could cause significant environmental effects and impacts would be **less than significant**.

Electric Power

Refer to Section 3.5, Energy Conservation and Climate Change. San Diego Gas and Electric (SDGE) currently provides electrical service to the project site. Electrical service currently exists surrounding the project site, and would be extended within the interior of the site to the various uses proposed and all electrical lines would be undergrounded. Electrical service connections off-site would be within existing rights-of-way, and within future street alignments within the proposed project, the impacts of which are analyzed herein. Furthermore, the project would install approximately 434 kilowatts (kW) of rooftop solar on-site that would reduce electrical demand (see Section 3.5, Energy Conservation and Climate Change). Therefore, the proposed project would not result in the expansion or need for new electric power facilities, the construction or relocation of which could cause significant environmental effects and impacts would be **less than significant**.

Natural Gas

The proposed project would limit use of natural gas to cooktops and ovens in the residential units, recreation center, and restaurant. No natural gas fireplaces would be permitted except for the recreation center. Natural gas service currently exists surrounding the project site, and would be extended within the interior of the site to the various uses described above, and all natural gas lines would be undergrounded. Natural gas service connections off-site would be within existing rights-of-way, and within future on-site street alignments within the proposed project, the impacts of which are analyzed herein. Therefore, the proposed project would not result in the expansion or need for new natural gas facilities, the construction or relocation of which could cause significant environmental effects and impacts would be **less than significant**.

Telecommunication Facilities

The proposed project does not include the installation of telecommunication facilities. Furthermore, implementation of the proposed project would not interfere with existing telecommunication facilities or future expansion of facilities. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the proposed project would not result in the expansion or need for new telecommunication facilities, and **no impact** would occur as a result of the proposed project.

Mitigation Measures: No mitigation required.

Level of Significance: Less than significant.

WATER SUPPLY

Impact 3.14-2 **The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant.**

The San Dieguito Water District provides approximately 38,000 people with both potable and recycled water. Potable water is obtained from Lake Hodges runoff; the City also imports raw water from the San Diego County Water Authority. Water from both sources is treated at the R. E. Badger Filtration Plant in Rancho Santa Fe. The City's recycled water is treated wastewater from the San Elijo Water Pollution Control Facility in Encinitas.

As mentioned previously, the Urban Water Management Planning Act requires each urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Table 3.14-2 shows the SDWD's estimated water supply projections from 2020 to 2035. The total water demand (potable/raw water and recycled water) for the year 2020 is anticipated to be approximately 7,559 acre feet/year while the estimate for 2025 is 7,618 acre feet/year.

The proposed project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the proposed project would include non-mandatory water conservation measures, such as the installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush toilets (Appendix Q). The proposed project would also use recycled water to irrigate common landscape areas. Table 3.14-7 below summarizes the baseline projected water use for the project and the net potable water demands with the implementation of water conservation measures.

Table 3.14-7: Net Potable Water Use Summary

Description	Average Water Use (gpd)
Net Potable Water Use Summary	
Potable Water Use	135,500[1]
Common Area Irrigation	3,400
Total Baseline Water Use	**138,900**
Water Conservation Savings	
Recycled Water Use	3,400[1]
Residential Water Conservation	6,063

Table 3.14-7, continued

Description	Average Water Use (gpd)
Total Conservation Savings	**9,463**
Net Potable Water Use	**129,437**
Existing Water Usage	**55,534**
Additional Potable Water Usage	**73,903**

1. Project total potable water usage does not include 3,400 gpd for planned reclaimed water use to irrigate landscape areas.
Notes: gpd = gallons per day
Source: Dexter Wilson Engineering, Inc., 2020c (Appendix Q)

Based on Table 13.3-7, the projected net potable water use of 129,437 gpd represents a net increase of approximately 73,903 gpd of water use when compared to historical water use on the site. As discussed in the SDWD's UWMP, the district has anticipated population increases through 2035 of 2,653 residents (between 2015 and 2035) which would be able to serve the projected population of approximately 628 residents. As mentioned under Impact 3.14-1, the project site is one of 15 sites included in the HEU and the project site was designated with an R-30 overlay and allocated a minimum of 246 residential dwelling units. Therefore, since the proposed project is consistent with the General Plan and accounted for in the HEU, and is within the population increase anticipated by the SDWD 2015 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 250 residential units and non-residential uses that are a part of the proposed project.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.14-3 shows estimated water supply projections from the year 2020 to 2035. According to the UWMP, single-dry and multiple-dry year conditions were based on the SDWD's historical water use records.

The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain and therefore some refilling of water storage. In an event of a dry year, the SDWD would purchase more water from San Diego County Water Authority (SDCWA) and utilize their carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, "additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, will be taken to fill the supply shortage." As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016). As shown in Table 3.14-3, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEWATER TREATMENT CAPACITY

Impact 3.14-3	**The project would not result in a determination by the wastewater treatment provider which serves, or may serve, the project that the project has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Impacts would be less than significant.**

Refer to Impact 3.14-1. The project site is located at the north end of the service area of the Encinitas Sanitary Division. The Encinitas Sanitary Division has completed a *Project Facility Availability Form* which states that the district has the facilities to serve the proposed project for the next 5 years under existing and anticipated conditions (Appendix R). As discussed above in Impact 3.14-1, the project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's project demand in addition to the providers' existing commitments. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE INFRASTRUCTURE CAPACITY

Impact 3.14-4	**The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.**

The proposed project would be served by EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City. Solid waste is collected and taken to a local transfer station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. The Otay Landfill is expected to cease operation February 28, 2030 and is permitted to accept 6,700 tons per day. The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019a, 2019b).

The City adopted a Construction & Demolition Debris (C&D) Ordinance (Chapter 11.22) that helps divert waste from landfills and comply with statewide mandates. Materials subject to the ordinance include, but are not limited to, asphalt, concrete, brick, dirt, rock, lumber, cardboard, metals and any vegetative or other land clearing/landscaping materials. Projects are required to reuse, salvage or recycle 60% of all C&D debris generated from the project (City of Encinitas 2020c).

One existing occupied single-family residential unit is located in the southwestern portion of the project site (at the intersection of Leucadia Boulevard and Sidonia Street) and is proposed to be demolished with project implementation. The remainder of the project site is occupied by private commercial greenhouse buildings, which are also proposed to be demolished with implementation of the proposed project. The proposed project would collect and sort waste materials for diversion in order to ensure compliance with statewide mandates. Solid waste from construction activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the proposed project.

During project occupancy, the 250 residential units are expected to contribute additional solid waste to the Otay and Sycamore landfills. The City's CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City's solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to 3 pounds (lbs)/person/day by 2030 (Encinitas 2017).

According to CalRecycle, since 2012, the amount of waste generated by the City of Encinitas has fluctuated between 5.6 and 6.1 lbs/person/day (CalRecycle 2020). As such, it can be expected that during operation, the proposed project would generate approximately 3,831 pounds, or 1.92 tons, of solid waste per day from the on-site residential uses (628 anticipated residents multiplied by 6.1 pounds of solid waste generation). This total represents 0.016% of the total regional capacity for the Sycamore and Otay Landfills (11,700 tons per day).

The on-site organic farm would also produce waste, but the majority of the waste would be organic material that could be composted. Other uses, such as the restaurant, would also be subject to the requirements of the City's CAP. Solid waste from operation and occupancy activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the proposed project.

For the reasons stated above, the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be **less than significant.**

Mitigation Measures: None required.

Level of Significance: Less than significant.

Solid Waste Regulations

Impact 3.14-5	**The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.**

Refer to Impact 3.14-4, above. The project proposes 250 residential units and other non-residential uses such as an on-site organic farm, recreation center, and restaurant. Generated solid waste would consist primarily of standard organic and inorganic waste normally associated with these types of uses. The generation of substantial amounts of hazardous waste is not anticipated (refer to Section 3.7, Hazards and Hazardous Materials). As noted above, the site is adequately served by local landfills. The project would comply with all applicable federal, state, and local statutes and regulations related to solid waste handling, transport, and disposal during both construction and long-term operation.

Additionally, per its Climate Action Plan, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the proposed project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the proposed project would remain in compliance with AB 939.

The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

Cumulative Impacts

Impact 3.14-6	**The project would not result in a significant cumulative impact related to utilities and service systems. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project's incremental contribution, and that are included in the analysis of cumulative

impacts relative to utilities and services, are identified in Table 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The geographic scope for cumulative impacts to utilities and service systems includes the service areas for the San Dieguito Water District (for water service), Encinitas Sanitary Division (for wastewater), San Diego Gas and Electric, Otay Landfill and Sycamore Landfill. All cumulative projects identified and development of other future land uses in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public facilities on a project-by-project basis, and in accordance with applicable local, state, and federal agency requirements, to avoid, reduce, and mitigate substantial increases in demand (and significant impacts) on utilities and service systems.

To be conservative, the cumulative analysis is based on the "worst-case" assumption that includes the 2019 HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

Potential project impacts associated with utilities and service systems would be less than significant, as detailed above. The 2016 At Home in Encinitas/Measure T EIR determined that cumulative impacts associated with the 2016 Housing Element Update would be less than cumulative considerable. The 2016 HEU provided a range of options ranging from 1,853 residential units up to 3,261 residential units. The 2019 HEU anticipated 1,560 residential units, less than the minimum yield under the 2016 HEU and less than half of the maximum yield. Therefore, the proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Additional discussion is provided below.

Water Supply

As discussed under Impact 3.14-1, since the proposed project is consistent with the General Plan and accounted for in the HEU, and is within the population increase anticipated by the SDWD 2015 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 250 residential units and non-residential uses that are a part of the proposed project. The San Dieguito Water District's 2015 Urban Water Management Plan demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast. Table 3.14-8 provides a list of cumulative projects that are

proposed to be served by the same water system as the proposed project and provides the projected water demands for these projects.

Table 3.14-8: Average Water Use of Adjacent Cumulative Projects

Housing Element Site No.	Description	Proposed Residential Units	Demand Factor	Average Water Use (gpd)
05	Encinitas Blvd and Quail Gardens	119	450 gpd/unit	53,500
09	Proposed Project	250	--	129,437
12	Sunshine Gardens	84	450 gpd/unit	37,800
AD 2 a,b,c	Quail Gardens	485	--	189,150
			Total	**409,887**

Source: Dexter Wilson, 2020 (Appendix Q)
Notes: gpd = gallons per day

The SDWD will incorporate the proposed project and the listed cumulative projects into their water system hydraulic model to determine potential impacts on the existing water system. As with the proposed project, the cumulative projects would be required to receive a will-serve letter from the SDWD as part of the discretionary review process (Appendix R). The will-serve letter indicates whether the District is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates (the next update is scheduled for 2021) so their water use is considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply.

Wastewater

Wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the District is expected to be able to serve the project as proposed for the next 5 years (see Appendix R).

The *Off-site Sewer System Analysis* prepared for the project (Appendix P-2) also evaluated whether the proposed project, in combination with cumulative projects (including those units anticipated by the City's General Plan Housing Element Update), would result in impacts that would require replacement of existing sewer lines (Dexter Wilson 2020b). As analyzed therein, under the Ultimate Projected Wet Weather Flows (existing plus proposed project plus other planned future developments anticipated within the Encinitas Sanitary Division), one stretch of

off-site sewer within the Cottonwood Sub-basin Area has the potential to exceed replacement criteria. In addition, two stretches of sewer in the Encinitas Trunk Sewer in Encinitas Boulevard may exceed replacement criteria; however, it is not clear if the existing pipe in these stretches is 12" or 15;" thus, the analysis assumed the conservatively smaller pipe size.

To address the potential exceedance of design replacement criteria, the City could accept the exceedances since sufficient capacity exists under wet weather conditions. The City could also work to reduce the inflow and infiltration coming into this basin with the installation of flow domes which, when placed underneath manhole lids, keep surface/street rainwater flows from entering the sanitary sewer. The City could also implement an active inflow and infiltration program by conducting flow monitoring smoke testing to further reduce inflow. Finally, any replacement of the pipeline could be added to the City's capital improvement program and paid for by a combination of existing users' sewer service charges and future users' fair share of connection fees. Note that in the event replacement is necessary, these stretches of sewer appear to be within the existing street right-of-way and any construction associated with replacement thereto would be temporary and would be performed in accordance with an approved Improvement Plan which would include implementation of BMPs, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and a Traffic Control Plan.

Under the Ultimate Project Wet Weather Flows, the Moonlight Pump Station has sufficient capacity to pump sewerage flows. Specifically, the Ultimate Project Wet Weather Flow is anticipated to be 2.27 mgd. At a capacity of 2.9 mgd, the existing Moonlight Beach Pump Station is sufficient to accommodate existing flows plus those anticipated to be generated by the proposed project (Dexter Wilson 2020b).

Further, as part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that wastewater treatment requirements of the RWQCB would not be exceeded. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to wastewater.

Other Utilities

As noted above, the project would not substantially increase demand for solid waste disposal service. The Otay Landfill and the Sycamore Landfill both have remaining capacity well into the future to accommodate the project and the cumulative projects. All cumulative projects would similarly be required to evaluate potential effects on local landfills and demonstrate that such facilities are available to serve a project on an individual basis, with consideration for landfill capacities at the time when development is proposed. Additionally, both the proposed project

and the cumulative projects would be required to conform to applicable regulations for the waste diversion and recycling.

The project is not anticipated to cause a substantial increase in demand for other utilities such as natural gas, telecommunications, etc. All projects would be required to evaluate the provision of such services on an individual basis and to demonstrate their availability to serve a proposed development, as appropriate.

Conclusion

As the cumulative projects analyzed in the 2019 HEU would result in fewer residential units than that calculated in the 2016 HEU, the proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, or solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Cumulative projects would be required to receive will-serve letters from the appropriate water and wastewater providers to confirm that those agencies are capable of serving the project, and would be required to demonstrate adequate solid waste disposal facilities to serve a development. Electricity, natural gas, and telecommunications services would rely on existing infrastructure and therefore, would not require expansion of services that would result in an environmental impact. Therefore, for the reasons stated above, the project would not contribute to a significant cumulative impact related to utilities and service systems. Impacts would be **less than cumulatively considerable.**

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

California Public Resources Code Section 21003(f) states, "It is the policy of the state that…all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that "an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment," and Section 15143, which states that "the EIR shall focus on the significant effects on the environment." As stated in Section 15128 of the CEQA Guidelines, "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections (Sections 3.1 through 3.14) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

4.1 AGRICULTURE AND FORESTRY RESOURCES

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix G as resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, the entire project site is designated as Unique Farmland which indicates land that generally contains lesser quality soils, but has supported crops at some time during the four years prior to the mapping date (DOC, 2020). This land is

usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California.

Contrary to the requirements of a Unique Farmland designation, it should be noted that the site has not supported crops during the past four years. While the project site has long supported agricultural uses as described in the Phase 1 ESA (Appendix J), such uses have predominately been the growing of above-ground potted plants and not in-ground crops as suggested by the definition of Unique Farmland. As a result, the proposed project does not meet the DOC's definition of Unique Farmland, and therefore would not convert Unique Farmland to nonagricultural use.

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30) and Agriculture, which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The proposed project would include an organic farm located on approximately 5.5-acres identified as Parcel 4. This farm operation would be subsidized by the residential component of the project, and would in turn provide for produce sales at the farm stand and is envisioned to supply the on-site restaurant with fresh produce. Further, the Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site. As stated in the HEU's amendment to the Encinitas Ranch Specific Plan (Case No. 17-128), "The Agricultural Zone provisions of the Specific Plan encourage the continued agricultural use of portions of the Specific Plan area and the provision of a 'favorable setting' in which to continue agricultural operations. The 'agrihood' concept proposed with the project would allow for the continued viability of an agricultural business on the site," along with agriculture-related uses and amenities. Further, the HEU amended Encinitas Ranch Specific Plan Policy 29.3 to add "In instances where continued agricultural use is no longer feasible, encourage sensitive residential development that allows for the continued viability of an agricultural business on the site." The proposed project has been designed to support the operation of ongoing agricultural uses through the provision of a subsidy payment to the farm operator.

The City is responsible for the issuance of Coastal Development Permits within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. Relative to the City's Local Coastal Program (LCP), subsequent to the City's approval of the HEU, the City processed a LCP Amendment to update the City's LCP to include the 15 HEU sites.

Coastal Act Section 30242 provides that "All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development

consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands."

On September 11, 2019, the HEU was approved by the California Coastal Commission. Specific to the proposed agrihood concept, the Coastal Commission found that

> *…the Encinitas LUP has particular policies in place to protect agricultural uses. The Encinitas Ranch Specific Plan was created to carry out the LCP for the Ecke Ranch property and surrounding area and has particular policies in place that designate certain areas where affordable housing will potentially be sited. The LUP updates include modifications to several policies in order to account for the ER-R-30 Overlay Zone. Policy 24.3 will be modified to include the Sidonia East area, where the Echter Property is located. Policy 24.3 will also be modified so that the Sidonia East area is included as one of the neighborhoods that will consider the use of progressive density and increased building heights. Finally, Policy 29.3 is proposed to be amended. It currently states that new residential development will be located and clustered to avoid inhibiting continued agricultural use of the land and should be sited adjacent to existing development. This LUP amendment will add language that in those instances where continued agricultural use is no longer feasible, sensitive residential development that allows for the continued viability of an agricultural business on the site shall be encouraged.*
>
> *Indeed, while the R-30 Overlay zone [would] allow for the conversion of land currently in agriculture, land use conflicts [would] be minimized in accordance with Section 30242 of the Coastal Act. Through development of an agrihood, the site will be allowed to stay in agricultural use in conjunction with development that allows for affordable housing. In this way, conversion would be limited while also allowing for the City to meet its RHNA allotment. While not reflected in the land use designation, the agrihood concept would transform the agricultural portion of the site to a more traditional open field agricultural use and aesthetic, as opposed to the many greenhouses currently on-site.*
>
> *Moreover, the partial conversion of the [project site] is compatible with surrounding land uses, as it marks a transitional boundary between more highly developed (i.e. residential) uses to the west and south, and less intensive uses to the north and east. The North Mesa Planning Area to the east of the Echter site and on the east side of Quail Gardens Drive is designated for golf course uses. Also, south of the Echter site and on the south side of Leucadia Boulevard, properties are designated for residential uses (at a density of 5 dwelling units per acre). To the north of the site is the Magdalena Ecke Park area, with a mix of agricultural, residential, and open space land uses north of the park area. In this way, the conversion of lands concentrates development by completing a logical and viable neighborhood and contributing to the establishment of a stable limit to urban*

development. Because of this mix of land uses, the subject site can be found to be consistent with Section 30242 of the Coastal Act in concentrating development.

For these reasons, land use conflicts within the R-30 Overlay zone, in which the proposed project is located, would be minimized in accordance with Section 30242 of the Coastal Act and as such, the CCC found the City's HEU is consistent with the relevant policies of the CCC. As such, the proposed project would not conflict with any land use plan, policy, or regulation adopted by the CCC.

Therefore, as the project site does not meet the definition of Unique Farmland and because the conversion of agriculture land would support the agrihood concept, which is consistent with the General Plan, Zoning Map, LCP, and the provisions of the HEU, impacts would be **less than significant**.

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

Refer to Response 4.1a), above. None of the lands affected by the proposed project are subject to a Williamson Act contract (CDC 2020).

Additionally, the project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan and is zoned for Multi-Family Residential (ER-R-30), which is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the HEU. The Specific Plan states the proposed "agrihood" concept, with the development of between 246 and 296 residential units, is consistent with the goals of the Specific Plan for the proposed site. Therefore, **no impact** would occur.

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

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

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

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

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

Refer to Responses 4.1a) and 4.1c), above. The project site currently operates as a commercial agricultural operation; however, the site has already been re-zoned through the 2019 HEU. Any subsequent action undertaken by the City to re-zone other agricultural sites would be separate and unrelated to the proposed project, and would be required to comply with any applicable CEQA-requirements to be analyzed at that time.

Further, the proposed project would construct an "agrihood" that would include agricultural operations in addition to residential and public and private active and passive recreational uses. Approximately 5.5 acres in the northern portion of the project site would remain in agricultural use as an organic farm (including appurtenant structures). Existing land uses on surrounding properties are predominantly residential. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. Impacts would be **less than significant**.

4.2 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the California Department of Conservation (Division of Mine and Geology), the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of which cannot be evaluated from available data (CDC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City's General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. Impacts would be **less than significant**.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. There would be **no impact**.

4.3 POPULATION AND HOUSING

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project site is one of 15 sites included in the City of Encinitas Housing Element Update, which was adopted by the City of Encinitas on March 13, 2019. As part of the approvals, the project site was designated with an R-30 overlay (maximum 30 dwelling units per net acre) and allocated a minimum of 246 units and a maximum of 296 units. As part of the HEU, the City provided a revised housing forecast to SANDAG. The proposed project is consistent with the City's General Plan, Local Coastal Program, Housing Element, Zoning Ordinance, and Encinitas Ranch Specific Plan because it proposes 250 homes, which is within the range identified under the Housing Element Update.

Therefore, the proposed project would not directly induce unplanned growth, as detailed in the HEU. Further, the project site is surround by development to the west and south (residential uses), a golf course to the east, and preserve open space to the north, and would not induce substantial indirect growth through the extension of roads and other infrastructure as analyzed in Section 6.3, Growth Inducing Impacts. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 628 people (2.51 x 250 residential units).Therefore, the proposed project would represent approximately a one percent increase to the 2020 population and a less than a percent increase of the projected 2050 population (City of Encinitas 2019b).

Total housing units in the City is expected to be 26,131 in 2020 and 27,667 in 2050. The proposed project would represent approximately a one percent increase to the 2020 and 2050 housing units.

Table 4.3-1 Population and Housing Projections

Unit	Estimated		Forecasted		Change from 2016 to 2035	
	2016	2020	2035	2050	Numeric	Percent
Total Population	61,928	62,829	64,718	66,178	2,790	4.3
Person per Household	2.51	2.51	2.51	2.51	0	0
Total Housing Units	25,920	26,131	26,633	27,667	713	2.7

Source: City of Encinitas Housing Element Update, 2019b

Therefore, the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure) because the proposed project is included in the planned growth outlined in the HEU. Impacts would be **less than significant**.

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

The proposed project would displace one existing housing unit on the project site at the intersection of Leucadia Boulevard and Sidonia Street. The property owner is willfully selling the property to the project applicant for fair market compensation. The demolition of one existing home does not constitute a substantial number of existing people or housing, and would not necessitate the construction of replacement housing elsewhere. As such, the proposed project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There would be **no impact**.

4.4 WILDFIRE

If located in or near state responsibility areas or lands classified as very high hazard severity zones, would the project:

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

The project site is located in a developed urban area surrounded by residential uses, open space, and a golf course. According to the Cal Fire Encinitas Fire Hazard Severity Zone Map (Cal Fire 2009), the northern portion of the project site is located in a zone designated as Very High Fire Hazard Severity likely due to its adjacency to open space.

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018b). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

During construction, materials would be placed within the project boundaries adjacent to the current phase of construction to avoid any access conflicts in case of emergency evacuations. Primary access to the site for vehicles would be provided at approximately the existing access point along Quail Gardens Drive. Emergency access would be provided from Sidonia Street. Activities associated with the proposed project would not impede the free movement of emergency response vehicles. Existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire. The proposed project would not interfere with the San Diego County Sheriff's Department's ability to safely

evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). Additionally, the proposed project has been designed in compliance with City Fire Department access and design requirements related to fire prevention and subject to approval by the City's Planning Division.

Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The project site is generally flat and does not support areas of steep slopes. However, a portion of the project site is designated as being in the Very High Fire Hazard Severity Zone, with undeveloped open space (Magdalena Ecke Open Space Preserve) to the north. The proposed project has been designed to buffer the on-site residential development from these areas (which may be at greater risk for wildfire occurrence) with the proposed farming and agricultural-related uses (see Figure 3-3, Site Plan). Furthermore, as stated in the Fire Protection Plan Exemption letter (Appendix S), residential structures would be located much further than the typical 100-feet required for a fuel modification zone (refer to Figure 2.0-2, Vicinity Map). Due to this distance and because the site is surrounded by development to the west, south, and east, the preparation of a Fire Protection Plan is not required.

Additionally, comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

During occupancy and operations, the proposed project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance; however, such conditions are not anticipated to exacerbate wildfire risks or increase the risk of exposure of residents to pollutant concentrations.

A loop trail is proposed to provide a walking pathway with fitness nodes around the perimeter of the project site, including along the northern property boundary near the preserve area. While this loop trail would increase potential human activity near the Magdalena Ecke Open Space Preserve, the trail would not provide for access into the Preserve, and would be signed with appropriate signage prohibiting access to the Preserve, thus limiting the potential for human intrusion and potential source(s) of fire ignition. Further, a fence would be constructed along the

northern side of the loop trail to further discourage potential intrusion into the open space preserve area.

The proposed project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and would be subject to payment of public safety services impact fees (see Section 3.11, Public Services and Recreation) to ensure risks from wildfire are minimized. Therefore, the proposed project is not anticipated to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be **less than significant**.

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Refer to 4.4 b). Primary access to the site would be provided at approximately the existing access point along Quail Gardens Drive. Emergency access would be on Sidonia Street at approximately the location of an existing (but not currently utilized) access point for the property. The project proposes a series of on-site private driveways and alleyways ranging in width from 20 to 26 feet. No new off-site roadways are proposed with the project. One existing roadway, Sidonia Street, would be widened to full-width improvements per the City of Encinitas Engineering Manual; however, existing off-site roadways would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire.

San Diego Gas & Electric (SDGE) currently provides electrical service to the project site. All existing and future on-site utilities (electrical lines) would be undergrounded with the proposed project improvements. Public water service for the project would be provided by the San Dieguito Water District. Water utilities improvements would include connections to the public water system and have been designed to achieve the applicable fire flow requirement of 1,500 gallon per minute. None of the infrastructure improvements proposed are anticipated to exacerbate fire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

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

Existing site topography is generally flat with slopes ranging from 0 to 5 percent. Because the project site and surrounding lands are relatively flat, the risk of landslide hazards is considered

low (see Section 3.6, Geology and Soils). Additionally, the proposed project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in rate or quantity of runoff post-construction as compared to existing drainage conditions (see Section 3.8, Hydrology and Water Quality).

The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.

5.1 INTRODUCTION

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a reasonable range of project alternatives that could feasibly attain the basic objectives of the project, while avoiding or reducing impacts associated with the project.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives.

The "No Project" alternative must also be evaluated. The "No Project" analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the proposed project was not approved.

The range of alternatives required is governed by a "rule of reason," meaning that the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the proposed project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the City ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the City certifies the EIR and takes action on the proposed project.

According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

5.2 PROJECT OBJECTIVES

The purpose of the proposed project is to create a highly amenitized, pedestrian-oriented, sustainable agrihood community that provides a mix of product types, creating opportunities for attainably-priced housing across income groups in conformance with the City's 2019 Housing Element Update (City of Encinitas 2019b). The objectives of the proposed project are presented in Section 2.0, Project Description.

5.3 IMPACTS OF THE PROPOSED PROJECT

Based on the analysis contained in Section 3.0, Environmental Analysis, the only significant and unavoidable impact (unable to fully mitigate below established thresholds) relates to vehicle miles traveled (VMT); refer to Section 3.12, Transportation. Other impacts, including impacts related to biological resources, cultural resources, geology and soils (including paleontological resources), hazards and hazardous materials, and Tribal Cultural Resources, would be mitigated to less than significant with incorporation of mitigation measures. Impacts to Agriculture and Forestry Resources, Aesthetics, Air Quality, Energy Conservation and Climate Change, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Resources and Recreation, and Utilities and Service Systems were found to be less than significant.

5.4 ALTERNATIVES TO THE PROPOSED PROJECT

This analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives. As noted previously, the CEQA Guidelines (Section 15126.6(e)(2)) require that the alternatives discussion include an analysis of the No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions (i.e., implementation of current plans) and what would reasonably be expected to occur in the foreseeable future if the project was not approved. Further, CEQA Section 15126.6(a) provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR need only consider a reasonable range of alternatives. The following alternatives have been identified for analysis in compliance with CEQA:

- **Alternative 1:** No Project
- **Alternative 2:** Increased Intensity of Existing Agricultural Operations
- **Alternative 3:** VMT Reduction

Table 5-1, Comparison of Alternative Project Impacts to the Proposed Project, summarizes the potential impact of each alternative on the environmental resources evaluated in the EIR that require mitigation as compared to the proposed project.

Table 5-1 Comparison of Alternative Project Impacts to the Proposed Project

Topic	Alternative 1: No Project	Alternative 2: Increased Agricultural Operations	Alternative 3: VMT Reduction
Biological Resources	<	=	=
Cultural and Tribal Cultural Resources	<	=	=
Geology and Soils (Paleontological Resources)	<	=	=
Hazards and Hazardous Materials	>	>	=
Transportation[1]	=	=	=

Notes:
= Impact is equivalent to impact of proposed project (neither environmentally superior nor inferior).
< Impact is less than impact of proposed project (environmentally superior).
> Impact is greater than impact of proposed project (environmentally inferior).
1 Transportation impacts are based upon VMT (not total traffic volume) impacts. Refer to Section 3.12.

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

The project site is located within the Sidonia East Planning Area of the Encinitas Ranch Specific Plan. As part of the 2019 HEU, the project site was designated with an R-30 Overlay and allocated between 246 and 296 residential units. Conforming edits were then made to the Encinitas Ranch Specific Plan to add an ER-R-30 zone and apply this new zoning overlay to the project site. Therefore, the current zoning is consistent with the General Plan, Zoning Map, Local Coastal Program, and the provisions of the 2019 Housing Element Update.

Under the No Project Alternative, the proposed project would not be adopted, and future development would not occur. As such, the existing agricultural operations would continue to occur on-site in the same capacity as existing conditions. As no new development would occur, this alternative would not include the proposed improvements to the City's storm drain infrastructure that, under current conditions, results in flooding along Sidonia Street during large storm events (refer to Section 3.8, Hydrology and Water Quality. Although found to be a less than significant impact in this EIR, and therefore not further evaluated in this alternative analysis, this alternative would generally reduce effects related to aesthetics, air quality, energy conservation and greenhouse gas emissions, noise, public services, and recreation as no new development would occur on-site and the existing intensity of the site would remain as current conditions. It should be noted that this alternative would not be consistent with the City's requirement to

provide for housing per the HEU and the City's obligations under the Regional Housing Needs Assessment.

Biological Resources

Since the project site is largely void of biological resources, it is unlikely that this alternative would result in impacts to biological resources by continuing the existing agricultural operations on-site. Mitigation measures would not be required as construction activities are not proposed by this alternative. As such, potential impacts to migratory birds and raptors as well as the coastal California gnatcatcher would not occur as a result of this alternative. Therefore, impacts to biological resources would be reduced when compared to the proposed project.

Cultural and Tribal Cultural Resources

Impacts to cultural and tribal resources generally occurs during ground disturbing activities. As this alternative does not include such activities, direct and indirect impacts to unknown cultural and tribal cultural resources is unlikely to occur with this alternative. Therefore, impacts to cultural and tribal cultural resources would be reduced when compared to the proposed project.

Geology and Soils (Paleontological Resources)

The project site is generally underlain by very old paralic deposits (Lindavista Formation) and Santiago Formation. The Lindavista Formation is assigned a moderate paleontological sensitivity and Santiago Formation is considered to have a high paleontological sensitivity. Impacts to paleontological resources generally occurs during ground disturbing activities. As this alternative does not include such activities, direct and indirect impacts to paleontological resources are unlikely to occur with this alternative. Therefore, impacts to paleontological resources would be reduced when compared to the proposed project.

Hazards and Hazardous Materials

Based on the results of the Phase I ESA, the proposed project requires mitigation measures to reduce the potentially significant impacts involving the potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require the applicant to coordinate with the San Diego County Department of Environmental Health and participate in the Voluntary Assistance Program (VAP) regarding the excavation and disposal of the heavy-oil impacted soils identified near the existing on-site trash compactor and at two additional locations located along the western boundary of the site. Mitigation measures **HAZ-1** through **HAZ-3** would ensure that the contaminated soils are properly removed and disposed of off-site as deemed appropriate by the City of Encinitas Planning Division the San Diego County Department of Environmental Health.

Mitigation measures **HAZ-4 through HAZ-6** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos.

The continued use of the existing agriculture operations may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations. However, Alternative 1 would not implement these mitigation measures since construction is not proposed. Therefore, compared to the proposed project, the potential for significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is increased as a result of this alternative. Impacts would be greater as compared to the proposed project.

Transportation

As shown Section 3.12, Transportation, the proposed project would generate 1,967 ADT. However, the project would also replace the existing 334 daily trips associated with the existing flower mart, and; therefore, the project's net increase is 1,690 ADT. Additionally, the proposed project would be consistent with the City's General Plan. However, based on the Technical Advisory and Regional TIS Guidelines, the project does not fall below the ADT screening thresholds of either 110 ADT or 1,000 ADT. Therefore, the VMT/Capita and VMT/Employee analysis was prepared using the SANDAG Series 13 Travel Demand Model. Based on this analysis, the proposed project would exceed 85% of the regional VMT/capita or VMT/employee. As a result, mitigation measure **TR-1** requires implementation of a Transportation Demand Management (TDM) Program which includes measures to reduce the proposed project's VMT. Total VMT reduction for the proposed project would be 4.1% for employment related VMT and 1.0% for residential related VMT which does not meet the 15% reduction threshold. As such, the proposed project would result in significant and unavoidable impacts.

As no project would be built under Alternative 1, the existing agriculture operations would continue to operate at current conditions which is approximately 334 ADT. As such, no impacts would occur and this alternative would avoid the significant and unavoidable impact to VMT that would occur from implementation of the proposed project. It is noted that the VMT/employee of the existing operation may exceed 85% of the regional average. Specifically, because the analysis for the proposed project determined that VMT/employee was greater than 85% of the regional average, and because the SANDAG model is regional and based on the location of the project site, it is reasonable to conclude that the No Project Alternative VMT/employee would be similar to that of the proposed project.

Summary

Since the project site is largely void of biological resources, it is unlikely that this alternative would result in impacts to biological resources (e.g., potential to affect nesting avian species) by continuing the existing agricultural operations on-site. Impacts relative to cultural, tribal cultural, and paleontological resources (e.g., potential to inadvertently discover unknown resources) would be reduced as the project site would not be developed and existing operations would be maintained at their current capacity. This alternative would result in less transportation impacts as fewer daily vehicle trips would be generated by existing operations as compared to the proposed project. However, it is reasonable to conclude that the No Project Alternative VMT/employee would be similar to that of the proposed project. The continued use of the existing agriculture operations may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations.

As shown in Table 5-1, Comparison of Alternative Project Impacts to the Proposed Project, this alternative would result in reduced impacts relative to biological resources, cultural resources, tribal cultural resources, and paleontological resources, as compared to the proposed project while transportation impacts would be similar to the proposed project. However, because no remediation activities for potentially hazardous conditions on-site would occur, impacts relative to hazards and hazardous materials are considered to be greater as compared to the proposed project since the site would remain in its current state.

It should also be noted that, based on the analysis included in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality because it would result in addition pervious area and implement a storm drain system and water quality treatment basins that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. As a result, the proposed project would eliminate the flooding that occurs under existing conditions due to the overall amount of impervious area on the project site. Although not analyzed herein because project impacts were determined to be less than significant, such improvements would not be installed with Alternative 1 and the existing flooding condition would remain. While this is part of the baseline under CEQA, it represents a greater impact to water quality and hydrology than the proposed project. Impacts relative to hydrology/water quality would therefore be greater with Alternative 1 as compared to the proposed project.

ALTERNATIVE 2: INCREASED INTENSITY OF EXISTING AGRICULTURAL OPERATIONS

Under this alternative, development proposed by the project would not occur. However, in contrast to the "No Project" Alternative that would maintain existing operations, the Increased Intensity of Existing Agricultural Operations Alternative would increase the intensity of the agricultural operations on-site, such as constructing new greenhouses and accessory structures. The Encinitas Ranch Specific Plan Agricultural zoning allows for buildings up to 35 feet and may be increased up to 45 feet for up to 10% of the gross floor area. Under this Alternative, buildings on-site would be replaced and/or renovated in conformance with the Agricultural zoning standards. This alternative would not include improvements for ingress/egress to accommodate traffic associated with the increased business intensity (e.g., deliveries, transport of goods, employee traffic) as the current operations is a by-right use. Furthermore, this alternative would not include the proposed improvements to the City's storm drain infrastructure that presently results in flooding along Sidonia Street during large storm events (refer to Section 3.8, Hydrology and Water Quality). An analysis of the potential effects of the Alternative is included below.

Biological Resources

Since the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species. However, due to the increased intensity of the agricultural operations, construction activities may occur to physically expand operations on-site, such as the construction of new greenhouses. As with the proposed project, construction on the subject site under this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required.

Cultural and Tribal Cultural Resources

Due to the increased intensity of the agricultural operations, construction activities may occur to physically expand operations on-site, such as the construction of new greenhouses. As such, direct and indirect impacts to unknown cultural and tribal cultural resources may occur from the various subsurface construction disturbances associated with this alternative. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation.

Geology and Soils (Paleontological Resources)

The project site is generally underlain by very old paralic deposits (Lindavista Formation) and Santiago Formation. The Lindavista Formation is assigned a moderate paleontological sensitivity and Santiago Formation is considered to have a high paleontological sensitivity. Impacts to paleontological resources generally occurs during ground disturbing activities. Since this alternative may include construction activities, such as the construction of additional greenhouses, direct impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative. As such, similar mitigation measures as the proposed project would still be required to address the recovery of unknown paleontological resources. Therefore, impacts would be less than significant with mitigation incorporated which is similar to the proposed project.

Hazards and Hazardous Materials

Based on the results of the Phase I ESA, the proposed project requires mitigation measures to reduce the potentially significant impacts involving the potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require the applicant to coordinate with the San Diego County Department of Environmental Health and participate in the Voluntary Assistance Program (VAP) regarding the excavation and disposal of the heavy-oil impacted soils identified near the existing on-site trash compactor and at two additional locations located along the western boundary of the site. Mitigation measures **HAZ-1** through **HAZ-3** would ensure that the contaminated soils are properly removed and disposed of off-site as deemed appropriate by the City of Encinitas Planning Division the San Diego County Department of Environmental Health. Mitigation measures **HAZ-4 through HAZ-6** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos.

Alternative 2 would not implement the mitigation measures unless construction of the expanded facilities disturbed the contaminated soil or required the demolition of the existing residence on-site. Furthermore, the increased intensity of the site may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations. Therefore, compared to the proposed project, the potential for significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is increased as a result of this alternative. Impacts would be greater as compared to the proposed project.

Transportation

Under this alternative, the intensity of the existing agricultural operations on-site would be increased, such as constructing new greenhouses and accessory structures. The existing buildings on-site would be replaced and/or renovated as needed and the existing residence would be demolished for additional greenhouses. This alternative would not include improvements for ingress/egress to accommodate traffic associated with the increased business intensity (e.g., deliveries, transport of goods, employee traffic) as the current operations is a by-right use. It is expected that ADT would increase greater than existing conditions (334 ADT), but less than the proposed project (1,690 ADT) since this alternative would not include residential housing on-site. Furthermore, since the operations are a by-right use, the project site is not required to reduce VMT. It is noted that the VMT/employee of the existing operation may exceed 85% of the regional average. Specifically, because the analysis for the proposed project determined that VMT/employee was greater than 85% of the regional average, and because the SANDAG model is regional and based on the location of the project site, it is reasonable to conclude that the VMT/employee for this alternative would be similar to that of the proposed project.

Summary

It is anticipated that this alternative would decrease impacts relative to transportation as fewer daily vehicle trips would be generated by horticultural uses as compared to the proposed project. However, it is reasonable to conclude that the No Project Alternative VMT/employee would be similar to that of the proposed project. Further, the increased intensity of the site would result in additional truck trips (e.g., large delivery trucks, semi-trailers, and dump trucks) which may lead to temporary congestion on Quail Gardens Drive and surrounding intersections. Impacts relative to biological resources (e.g., potential to affect nesting avian species) and cultural resources (e.g., potential to inadvertently discover unknown resources) would be similar to the project as the development footprint of Alternative 2 would generally be the same in order to accommodate the expanded agricultural facilities and operations.

Although the increased intensity of the site is anticipated to increase ADT greater than existing conditions (334 ADT), it is unlikely that this alternative would generate greater ADT than the proposed project (1,690 ADT) since this alternative would not include residential housing on-site. As such, transportation impacts would be similar as compared to the proposed project. The increased intensity of the site may lead to an increase in the transport, use, and/or disposal of hazardous materials on-site since heavy chemicals and compounds (e.g. pesticides, herbicides, diesel, gasoline) are generally required to support agriculture operations; therefore, impacts relative to hazards and hazardous materials are considered to be greater as compared to the proposed project since the site would remain in its current state.

As stated, this alternative would not include the proposed improvements to the City's storm drain infrastructure that, under current conditions, presently results in flooding along Sidonia Street during large storm events. Based on the analysis in Section 3.8, Hydrology and Water Quality, the proposed project would result in less than significant impacts to hydrology and water quality because it would result in addition pervious area and implement a storm drain system and water quality treatment basins that would reduce runoff from the project site and treat water quality to standards consistent with the municipal separate storm sewer system (MS4) permit. As a result, the proposed project would eliminate the flooding that occurs under existing conditions due to the overall amount of impervious area on the project site. Although not analyzed herein because project impacts were determined to be less than significant, under Alternative 2, such improvements would not be installed, and the existing flooding condition would remain because the construction/expansion of greenhouse use would maintain the total impervious area on-site. While this is part of the baseline under CEQA, it represents a greater impact to water quality and hydrology than the proposed project. Impacts for Alternative 2 would be greater relative to hydrology/water quality as compared to the proposed project.

ALTERNATIVE 3: VMT REDUCTION ALTERNATIVE

The VMT Reduction Alternative focuses on reducing the number of daily vehicle trips through a combination of reduced parking and Transportation Demand Management (TDM) strategies in order to avoid or reduce significant and unavoidable impacts associated with VMT. This alternative would (1) provide the minimum number of residential parking spaces required under state density bonus law, and (2) implement unbundled parking, whereby parking spaces are not included in the cost of each residential unit; rather, residents would be required to pay for parking spaces.

Specifically, this alternative would provide 395 residential parking spaces (all of which would be in garages) and would charge renters $25/month for each space. The overall project design would remain largely unchanged, with the exception that approximately 86 residential surface parking spaces in the residential areas of the proposed project would be converted to landscaping or other green spaces. The parking area in the agricultural amenity area would be for visitors/users of that area exclusively and residential guests or residents would not be permitted to park in this area. Table 5-2 provides a comparison of the number of parking spaces provided under the VMT Reduction Alternative and the proposed project.

Table 5-2 Parking Provided by VMT Reduction Alternative vs. Proposed Project

Parking Type	Proposed Project	VMT Reduction Alternative	Difference
Residential Garage Parking Spaces	395	395	--
Residential Surface Parking Spaces	86	0	(86)
Non-Residential Parking Spaces	80	80	--
TOTAL PARKING SPACES	561	475	(86)

Source: Nolen Communities, 2020

Other alternatives to reduce VMT, such as alternative project locations near the COASTER station, reducing the size of residential units, or providing more studio and 1-bedroom units, were considered but rejected because they were either not feasible, did not reduce the identified impacts, and/or did not meet the majority of the project objectives. The VMT Reduction Alternative was developed in accordance with CEQA Section 15126.6(a) which states that an EIR shall describe a range of reasonable alternatives "… which would feasibly attain most of the basic objectives of the project but *would avoid or substantially lessen any of the significant effects of the project*, and evaluate the comparative merits of the alternatives." (*emphasis added)*

Biological Resources

Since the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species, similar to the proposed project. As with the proposed project, construction on the subject site under this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required.

Cultural and Tribal Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural and tribal cultural resources. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation.

Geology and Soils (Paleontological Resources)

The project site is generally underlain by very old paralic deposits (Lindavista Formation) and Santiago Formation. The Lindavista Formation is assigned a moderate paleontological sensitivity and Santiago Formation is considered to have a high paleontological sensitivity. Impacts to paleontological resources generally occurs during ground disturbing activities. This alternative

would require similar mitigation measures as the proposed project to address the recovery of unknown paleontological resources. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

Hazards and Hazardous Materials

Based on the results of the Phase I ESA, the proposed project requires mitigation measures to reduce the potentially significant impacts involving the potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require the applicant to coordinate with the San Diego County Department of Environmental Health and participate in the Voluntary Assistance Program (VAP) regarding the excavation and disposal of the heavy-oil impacted soils identified near the existing on-site trash compactor and at two additional locations located along the western boundary of the site. Mitigation measures **HAZ-1** through **HAZ-3** would ensure that the contaminated soils are properly removed and disposed of off-site as deemed appropriate by the City of Encinitas Planning Division the San Diego County Department of Environmental Health. Mitigation measures **HAZ-4 through HAZ-6** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos.

As with the proposed project, development of this alternative would require the implementation of mitigation measures to address the excavation and disposal of the heavy-oil impacted soils identified on-site. Therefore, impacts would be similar to the proposed project and considered less than significant with mitigation.

Transportation

For land use development projects, the Technical Advisory and Regional TIS Guidelines requires the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- VMT/Capita: Includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-homebased trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT/Capita.

- VMT/Employee: Includes all vehicle-based person trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The VMT for each work location is then summed for all work locations in a particular census

tract and then divided by the total number of employees of that census tract to determine the VMT/Employee.

Per the OPR Technical Advisory and the Regional TIS Guidelines, if the project average is lower than either 85% of the regional average or 85% of the average for the city or community in which the project is located, the VMT impacts of the project can be presumed less than significant.

As described in Section 3.12, Transportation, the proposed project would implement Transportation Demand Management (TDM) measures to reduce the project's VMT. Total VMT reduction for the proposed project would be 4.1% for employment related VMT and 1.0% for residential related VMT which does not meet the 15% reduction threshold. As such, the proposed project would result in significant and unavoidable impacts.

Under Alternative 3, transportation impacts related to VMT would be reduced compared to the proposed project. Specifically, impacts related to vehicle miles traveled per capita would be reduced by 7.5% which represents the expected VMT reduction achieved with implementation of reduced parking and implementation of unbundled parking as described below:

Unbundled parking is expected to reduce VMT by 7.5% (SANDAG 2019).

CAPCOA calculates the VMT reduction for limited parking supply using the following equation:

% VMT Reduction = (ITE Parking Generation Rate – Actual Parking Provision) / ITE Parking Trip Generation Rate) x 0.5[1]

The reduction is based on ITE's Parking Trip Generation Rate (not the City's Municipal Code), which is 1.5 spaces/du for mid-rise multi-family units. Below are VMT reductions for example parking ratios that are less than ITE's:

- 1.4 spaces/DU = 3.3%
- 1.3 spaces/DU = 6.7%
- 1.2 spaces/DU = 10%
- 1.1 spaces/DU = 12.5% (maximum reduction allowed)

Alternative 3 would provide 395 residential parking spaces as shown in Table 5-2, which is the minimum number of parking spaces required under the reduced parking requirements allowed under state Density Bonus law. This equates to 1.58 parking space per unit (395 parking spaces / 250 units). Since 1.58 spaces per unit is higher than ITE's rate, there would not be a quantifiable

[1] Nelson\Nygaard, 2005. *Crediting Low-Traffic Developments* (p. 16), http://www.montgomeryplanning.org/transportation/documents/TripGenerationAnalysisUsingURBEMIS.pdf.

VMT reduction for limited parking supply. While there are qualitative benefits of reducing parking, such as limiting potential vehicles within the proposed project, there are no supported, quantifiable reductions to VMT allocable to this alternative based on meeting State Density Bonus minimum parking requirements. Therefore, impacts related to vehicle miles traveled per capita would be reduced by 7.5%. While this represents a reduced VMT/capita, impacts would remain significant and unavoidable (and therefore similar to the proposed project).

Other transportation impacts, including providing emergency access and hazards due to geometric design features, would remain the same as the proposed project under this alternative. Although Alternative 3 would reduce impacts related to VMT compared to the proposed project, impacts to VMT would remain significant and unavoidable because even with implementation of unbundled parking and limited parking supply overall VMT would not reach the 15% reduction threshold. Furthermore, SANDAG specifically states that their "3A. Parking Pricing" TDM measure (7.5% VMT reduction) "works best in areas where on-street parking is managed (e.g., priced parking, residential permit programs, time limits, etc.) to reduce unintended consequences of parking in adjacent neighborhoods." As the project applicant cannot guarantee that this measure would also be implemented in the adjacent neighborhood (Fox Point – Sidonia Street), this reduction is not wholly supportable. Further, reducing parking supply, while a permitted reduction under state density bonus, would conflict with the City of Encinitas Off-street Parking standards.

Summary

Impacts relative to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), and hazardous materials (e.g. excavation and disposal of the heavy-oil impacted soils) would be similar to the project because the development footprint of Alternative 3 would be the same as the proposed project (refer to Table 5-1). Although not considered a significant impact in the EIR, operational impacts to air quality would be similar but slightly reduced compared to the proposed project while construction air quality impacts would be the same as the proposed project. Specifically, mobile-source emissions may be reduced by up to 7.5% which represents the expected VMT reduction achieved with implementation of reduced parking and implementation of unbundled parking. Similarly, operational impacts to energy usage (i.e., petroleum usage) and greenhouse gases (mobile source emissions) would be slightly reduced compared to the proposed project.

Although Alternative 3 would reduce impacts related to VMT compared to the proposed project, impacts to VMT would remain significant and unavoidable (similar to the proposed project) because even with implementation of unbundled parking and limited parking supply, overall VMT would not reach the 15% reduction threshold. Furthermore, SANDAG specifically states that their "3A. Parking Pricing" TDM measure (7.5% VMT reduction) "works best in areas where on-street

parking is managed (e.g., priced parking, residential permit programs, time limits, etc.) to reduce unintended consequences of parking in adjacent neighborhoods." As the project applicant cannot guarantee that this measure would also be in implemented in the adjacent neighborhood (Fox Point – Sidonia Street), this reduction is not wholly supportable. Impacts would therefore be similar to that resulting with the proposed project.

5.5 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with CEQA Guidelines Section 15126.6, an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. The following are alternatives that have been rejected by the lead agency (in this case, the City of Encinitas) and will not be analyzed further in this EIR.

ALTERNATIVE SITE ALTERNATIVE

Off-site alternatives are typically included in an environmental document to avoid, lessen, or eliminate a project's significant impacts by considering the proposed development in a different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. It is anticipated that locating the proposed project on off-site lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical characteristics of the selected site.

However, because Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere in the community. Because most impacts would be similar, and because the proposed project only results in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Within the City, to achieve the project density of 246 units, only sites with R-30 zoning were considered. These sites are limited to those identified by the 2019 HEU. None of these sites are considered feasible because they are not owned by the project proponent. Further, none of these sites is within "walking distance" (defined as ½ mile or less) of the Encinitas Coaster Station, which may reduce regional VMT by encouraging multi-modal transportation. Therefore, no Alternative

Project Locations were determined to meet the majority of the project objectives and reduce significant and unavoidable impacts to VMT.

Within the region, alternate project location sites to reduce VMT impacts were considered in major employment areas also served by transit and which allow for high-density housing. This limited sites to the UTC area of San Diego (where the current MTS Blue Line trolley is being extended) and downtown San Diego. After reviewing these areas, it was determined that such alternative project locations would be infeasible because none of these sites are owned or controlled by the project proponent, and none would meet the majority of the project objectives including providing an agrihood.

For the above reasons, an off-site alternative is considered infeasible pursuant to CEQA Guidelines Section 15126.6(c). Therefore, the Alternative Site Alternative was rejected from further analysis in the EIR.

FULL APPLICATION OF DENSITY BONUS

Under this alternative, development on the site would be maximized based on full unit allocation allowed under the R-30 overlay, the zoning per the Encinitas Ranch Specific Plan, and the full application of State Density Bonus Law. The R-30 overlay zone (per the City's recent Housing Element Update) was placed on 14.2 acres of the 21.48-acre site (refer to Figure 13 of the Encinitas Ranch Specific Plan, as amended). As a result, the project site could be developed with 426 base residential units (14.2 acres X 30 du/acre) prior to application of a density bonus, and with application of a density bonus the project site could be developed with 575 total residential units (35% increase from base density). This alternative would not result in any diversity of housing types. Based on SANDAG's 2020 projection estimates, this alternative would result in approximately 1,443 residents (2.51 x 575 residential units) compared to the 628 residents for the proposed project (refer to Section 4.3, Population and Housing). To accommodate the increased population and subsequent traffic, full secondary access on Sidonia Street would be required. Furthermore, as allowed by SB 1397, this project would be considered "by right" and would not be subject to a formal CEQA review. Impacts would not be reduced or avoided; therefore, this alternative was rejected from further analysis in the EIR.

REDUCED FOOTPRINT ALTERNATIVE

Under the Reduced Footprint Alternative, development would be limited to approximately 50% of the project site, with the remainder of the project site converted to Open Space. This alternative would focus development along the Leucadia Boulevard corridor. Due to the compact nature of development under the Reduced Footprint Alternative, most buildings would be required to be four to five stories to meet the minimum density requirement (246 units) of the

2019 HEU while also providing for some type of range of housing in conformance with the project objectives. The farm component and the agricultural amenity area would likely be eliminated (set aside as open space instead), making it difficult to achieve many of the underlying project objectives.

This alternative was considered and rejected because it would not reduce any significant impacts to less than significant. Transportation impacts related to VMT would remain significant and unavoidable and may actually increase because the Reduced Footprint Alternative would not include a mix of uses. This alternative would also result in greater impacts on aesthetics than the proposed project as the height of the buildings would be increased. Impacts to Land Use and Planning would be significant because the agrihood would no longer be developed, which would make the Reduced Footprint Alternative inconsistent with the Encinitas Ranch Specific Plan, (and therefore the General Plan and Zoning Map), and the Local Coastal Plan. Other impacts would not be avoided such as biological resources, cultural resources, hydrology and water quality, hazards and hazardous materials, noise, and public services and utilities because these impacts were already less than significant or mitigated to less than significant.

R-5 ALTERNATIVE

In response to comments received during the Citizen Participation Program (CPP) meeting for the proposed project, an alternative was considered that would provide for 5 dwelling units per acre. Preliminarily, it is understood that such a project would not be permitted under the 2019 HEU, which mandated a minimum of 246 units on the project site to meet RHNA requirements and to comply with HCD's certification. Nonetheless, to meet CEQA requirements to consider a reasonable range of alternatives, the R-5 designation was applied to the entire project site area of 19.7 acres. Using this acreage, the R-5 Alternative would develop 99 units (5 du/acre x 19.7 acres = 98.5 units). Under this R-5 Alternative, the farm component and the agricultural amenity area would be eliminated.

Transportation impacts related to VMT would remain significant and unavoidable and may actually increase because the R-5 Alternative would not include a mix of uses, and would promote land uses that have a tendency to make more vehicle trips. Further, impacts to Land Use and Planning would be significant and unavoidable because the R-5 Alternative would not comply with the underlying zoning, the 2019 HEU, or the Local Coastal Plan. Impacts to biological resources would also be increased because development would occur closer to the Magdalena Ecke Preserve, and impacts to cultural/tribal resources may increase because residential development would require deeper footings and excavations than the proposed organic farm fields in the northern third of the project site. Although these impacts would be anticipated to be reduced to less than significant with incorporation of mitigation measures or project design features, impacts would

be greater than the proposed project. Furthermore, this alternative would not meet project objectives and would not be allowed under the City's R-30 zoning or underlying agricultural zoning. As this alternative would result in greater impacts than the proposed project and would not meet the underlying project purpose to implement an agrihood community, this alternative was considered and rejected.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative.

The No Project Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be chosen since the No Project Alternative is environmentally superior. Therefore, Alternative 3, VMT Reduction Alternative, would be considered the environmentally superior alternative because this alternative potentially reduces a significant and unavoidable impact. However, as noted above, the proposed TDM measure related to unbundled parking may not be feasible as "priced parking works best in areas where on-street parking is managed (e.g., priced parking, residential permit programs, time limits, etc.) to reduce unintended consequences of parking in adjacent neighborhoods." As the project applicant cannot guarantee that this measure would also be in implemented in the adjacent neighborhood (Fox Point – Sidonia Street), a neighborhood parking management program (permit only parking) would be necessary in the adjacent neighborhood. Even with effective implementation of such policies, the impacts to VMT would remain significant and unavoidable, similar to the proposed project.

Section 6.0
Other CEQA Considerations

This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant and unavoidable environmental effects of the proposed project; (2) significant irreversible environmental changes that would result from implementation of the proposed project; and (3) growth-inducing impacts of the proposed project. Each of these topics is discussed in greater detail below.

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(a) of the CEQA Guidelines requires that an EIR discuss any significant impacts associated with the project.

Section 3.0, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The executive summary includes Table ES-1, which summarizes the environmental impacts, mitigation measures, and levels of significance before and after mitigation.

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the proposed project on various aspects of the environment are discussed in detail in Section 3.0. Based on the analysis in this EIR, all significant environmental impacts can be mitigated to a less than significant level with the exception of impact TR-1 related to vehicle miles traveled (VMT). As described in Section 3.12, Transportation, while the proposed project is located on an infill site, would contain a mix of uses on-site, includes a suite of project design features to enhance sustainability, would provide for a variety of housing types including "very low" income affordable housing, and is consistent with City's General Plan, Local Coastal Program, Encinitas Ranch Specific Plan, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**. It is noted this unavoidable impact is primarily a result of the geographic location of the proposed project in a suburban neighborhood, as trip characteristics of the surrounding residential land uses are used as a surrogate to estimate proposed project trip characteristics, regardless of the inherent differences between the land uses (described above). Any residential project located therein would likely result in a similar significant, unavoidable impact.

6.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

The physical effects of project implementation on the environment are addressed in Sections 3.1 to 3.14 and Chapter 4.0 of this EIR. Long-term irreversible environmental changes would result with improvements for utility connections; enhancement of existing drainage/stormwater quality conditions; an increase in local and regional traffic and associated air pollutants, greenhouse gas emissions, and noise levels; an increase in the volumes of solid waste and wastewater generated in the area; and an increase in water consumption.

Project construction and maintenance of the buildings and infrastructure proposed would require the commitment of energy, natural resources, and building materials. Nonrenewable and limited resources that would be consumed with project development would include oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Nonrenewable fuels would be used by construction equipment, haul trucks, and worker vehicles.

Nonrenewable energy also would be expended during the harvesting and mining of natural resources such as wood and aggregate and during the subsequent manufacturing of construction materials such as wood framing and concrete. This commitment of resources and energy would be commensurate with that of other projects of similar size but would nevertheless be irretrievable. Post-construction consumption of nonrenewable resources would include the use of electricity, natural gas, and water by project residents and visitors. This energy use would be a long-term commitment and irretrievable.

However, the proposed project would include 434 kW of solar and 263 Level II EV charging stations that would reduce energy demand of nonrenewable resources. Furthermore, the proposed project would incorporate other energy-saving features such as low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, high-efficiency HVAC systems, and stormwater reuse systems on-site to collect, filter, and reuse captured stormwater in landscaped areas. The proposed project would also include a TDM Program to reduce VMT and associated air pollution, greenhouse gas emissions, and noise levels. Refer to Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems, for additional discussion.

The proposed project would not result in an unusually high demand for nonrenewable resources and would be consistent with applicable state and local goals and policies directed at reducing reliance on fossil fuels and encouraging renewable energy. The proposed project would meet or exceed 2019 Title 24 energy efficiency requirements, resulting in homes that are approximately 20 percent more energy efficient than homes constructed prior to January 1, 2017; refer to Section 3.5, Energy Conservation and Climate Change, for additional discussion.

6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area).
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment).
- Fosters population growth (e.g., constructs additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

CEQA Guidelines Section 15126.2(e) requires that an EIR "discuss the ways" a project could be growth inducing and "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or

cumulatively." However, the CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see CEQA Guidelines Section 15145).

Removal of a Barrier to Growth

Several types of projects can induce population growth by removing obstacles that prevent growth. An example would be the expansion of a wastewater treatment plant which would accommodate additional sewer connections within a service area and therefore would allow for future construction and growth that may not have otherwise been feasible.

Development of the project site would result in the improvement and extension of infrastructure facilities located in and/or adjoining the project site. Extensions of utility lines (water, sewer) or other infrastructure or services (e.g., fire protection services) may result in growth inducement, as such improvements allow for not only the development responsible for expanding the infrastructure, but also other projects proposed in the surrounding area due to the availability of new (i.e., previously inaccessible) infrastructure. However, the area surrounding the proposed project is already developed with similar residential and commercial uses which are currently served by existing utility infrastructure and adequate public services (e.g., required fire service response times can be met without new or expanded facilities or personnel). Further, utilities would be sized only to accommodate the proposed project and would not provide for additional capacity that may induce new development. As such, the proposed project would not be expected to induce growth as a result of new infrastructure or services.

Obstacles to surrounding the project site are primarily due to the existing developed condition of the surrounding area, feasibility of development, economic constraints, permitting, or other development restrictions and regulations promulgated by local agencies. The proposed project is consistent with, and would not modify, approved land use and zoning designations and; therefore, would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the proposed project and because the project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies' development restrictions.

Economic Growth

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land

availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and/or regulatory policies or conditions.

The proposed project would have the potential to result in economic growth through the construction of the proposed project and operation of the on-site commercial facilities (organic farm, farm stand, farm-to-table restaurant, and event space). Project construction would be performed by independent contractors hired by the developer. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment. Operation of the proposed project is anticipated to result in approximately 20 full-time permanent employees that are expected to be filled by the local workforce. Given that minimal number of permanent employees and the temporary nature of construction, the proposed project is not expected to significantly affect economic growth in the City.

Homeowners would pay property taxes to the City that would improve the financial resources of the City. Residents of the proposed project would also support the local economy by shopping at local businesses and paying sales taxes. Therefore, the proposed project would support the local economy in the short and long term.

Population Growth

CEQA requires the consideration of the potential direct and indirect growth-inducing impacts of a proposed project. According to the HEU, the project site is designated with an R-30 overlay, which requires a minimum of 246 residential dwelling units, and which would permit up to 575 units through the application of Density Bonus. The proposed project would construct 250 homes, which represents the low-end of permitted intensity on the project site. As a result, the proposed project would increase the City population by 628 residents which would represent approximately 1% increase in the City's population (refer to Section 4.3, Population and Housing). It is noted that due to the inclusion of 39 affordable housing units, some portion of the project residents may already live in the City in larger households and qualify as eligible to rent one of the very-low income rental units; therefore, this population estimate is considered conservative. The environmental effects of increasing the City's population due to development of the project site are evaluated in this EIR in Sections 3.1 to 3.14 and Chapter 4.0, in particular Sections 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.10, Noise; Section 3.11; Public Services and Recreation; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems. Mitigation measures are identified where appropriate to reduce such effects to a less than significant level. All impacts would be less than significant, with the exception of transportation impacts related to VMT, which would remain significant and unavoidable (refer

to Section 3.12, Transportation). This significant, unavoidable impact is primarily a result of the location of the proposed project in a suburban neighborhood, as previously discussed.

Establishment of a Precedent-Setting Action

A Density Bonus Tentative Map, Coastal Development Permit, Design Review, and other discretionary approvals are required to allow for the proposed development. These actions are not considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions. All future discretionary projects in the project area would be processed through the City and evaluated for consistency with the General Plan, as appropriate. Such projects would be evaluated for growth-inducing effects and their potential to enable or encourage growth not intended or anticipated with buildout of the General Plan. Development of the proposed project would be consistent with the City's General Plan, Local Coastal Program, Encinitas Ranch Specific Plan, and HEU as the project site is designated with an R-30 overlay. Therefore, approval of the project would not represent a precedent-setting action that would encourage or allow for unplanned future growth within the area.

Encroachment on Open Space

All construction activities would occur within the project site. The project site currently supports a botanical nursey, private greenhouses, and one single-family home. The existing structures would be demolished to allow for construction of the proposed project within the same general footprint on-site. No designated open space occurs on-site, and therefore, the project would not encroach into or physically disturb any such areas.

The 29.8-acre Magdalena Ecke Open Space Preserve, owned by the County of San Diego, abuts the northern property boundary. The proposed project would implement mitigation measures to reduce potential indirect impacts to species within the preserve during construction, such as noise (refer to mitigation measures **BIO-1** and **BIO-2** in Section 3.3, Biological Resources). With implementation of these measures, potential indirect impacts to open space would be less than significant.

7.1 Environmental Impact Report

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