

JUNE 2022

FINAL ENVIRONMENTAL IMPACT REPORT

Marea Village Mixed Use Development Project

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



Lead Agency:
City of Encinitas
Planning Division
505 South Vulcan Avenue
Encinitas, CA 92024

Preparer:
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Carlsbad, CA 92008



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Lead Agency:



City of Encinitas, Planning Division
505 South Vulcan Avenue
Encinitas, California 92024

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JUNE 2022

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Table of Contents

0.0 Preface

0.1	Introduction	0.0-1
0.2	Organization of the Final EIR	0.0-1
0.3	CEQA Process Summary	0.0-2
0.4	Changes to the Draft EIR	0.0-3
0.5	Comment Letters and Responses to Comments.....	0.0-6

ES Executive Summary

	Introduction.....	ES-1
	Purpose of the EIR.....	ES-1
	Project Synopsis.....	ES-2
	Issues Raised During Scoping	ES-3
	Summary of Project Alternatives	ES-27

1.0 Introduction

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

2.0 Project Description

2.1	Project Location and Overview	2.0-1
2.2	Project Objectives.....	2.0-2
2.3	Planning Context	2.0-3
2.4	Project Components	2.0-9
2.5	Density Bonus.....	2.0-12
2.6	Design Concepts	2.0-14
2.7	Project Construction	2.0-23
2.8	Environmental Setting	2.0-26
2.9	Intended Uses of the EIR.....	2.0-29

3.0 Environmental Analysis..... 3.0-1

- 3.1 Aesthetics..... 3.1-1
- 3.2 Air Quality 3.2-1
- 3.3 Biological Resources 3.3-1
- 3.4 Cultural Resources 3.4-1
- 3.5 Energy Conservation and Climate Change..... 3.5-1
- 3.6 Geology and Soils..... 3.6-1
- 3.7 Hazards and Hazardous Materials 3.7-1
- 3.8 Hydrology and Water Quality 3.8-1
- 3.9 Land Use and Planning 3.9-1
- 3.10 Noise..... 3.10-1
- 3.11 Public Services and Recreation 3.11-1
- 3.12 Transportation..... 3.12-1
- 3.13 Tribal Cultural Resources 3.13-1
- 3.14 Utilities and Service Systems..... 3.14-1

4.0 Effects Found Not to Be Significant

- 4.1 Agriculture and Forestry Resources 4.0-1
- 4.2 Mineral Resources 4.0-3
- 4.3 Population and Housing 4.0-4
- 4.4 Wildfire 4.0-5

5.0 Alternatives

- 5.1 Introduction 5.0-1
- 5.2 Project Objectives..... 5.0-2
- 5.3 Impacts of the Proposed Project 5.0-3
- 5.4 Alternatives to the Proposed Project..... 5.0-3
- 5.5 Alternatives Considered but Rejected..... 5.0-22
- 5.6 Environmentally Superior Alternative 5.0-26

6.0 Other CEQA Considerations

- 6.1 Significant and Unavoidable Impacts 6.0-1
- 6.2 Significant and Irreversible Environmental Changes 6.0-2
- 6.3 Growth-Inducing Impacts..... 6.0-3

7.0 Preparers and Persons Consulted

7.1 Environmental Impact Report 7.0-1
7.2 Technical Studies 7.0-1

8.0 References.....8.0-1

LIST OF TABLES

Table ES-1 Environmental Impact Summary ES-5
Table ES-2 Comparison of Alternative Project Impacts to the Proposed Project ES-27
Table 1.0-1 CEQA-Required Sections and Location in the EIR 1.0-8
Table 2.0-1 Existing General Plan Land Use and Zoning 2.0-4
Table 2.0-2 Proposed Development Summary 2.0-9
Table 2.0-3 Summary of Proposed Units 2.0-13
Table 2.0-4 Parking Requirements 2.0-19
Table 2.0-5 Anticipated Construction Schedule 2.0-23
Table 2.0-6 Required Approvals and Permits 2.0-30
Table 3.0-1 Cumulative Projects 3.0-4
Table 3.0-2 Housing Element Update Sites 3.0-7
Table 3.1-1 Viewer Groups and Anticipated Exposure 3.1-9
Table 3.2-1 Criteria Air Pollutants Summary of Common Sources and Effects 3.2-3
Table 3.2-2 Ambient Air Quality Standards 3.2-5
Table 3.2-3 San Diego Air Basin Attainment Status by Pollutant 3.2-6
Table 3.2-4 Screening Thresholds for Criteria Pollutants 3.2-8
Table 3.2-5 Expected Construction Emissions Summary (pounds per day) 3.2-15
Table 3.2-6 Long-Term Operational Air Emissions 3.2-16
Table 3.3-1 Vegetation Communities/Land Uses within the Project Site 3.3-3
Table 3.4-1 Previously Recorded Cultural Resources within 0.5 Mile of the Project Site .. 3.4-4
Table 3.5-1 Portfolio Percentages for SDG&E 2018 RPS 3.5-3
Table 3.5-2 Electricity Consumption in San Diego County 2010-2020 3.5-3
Table 3.5-3 Natural Gas Consumption in San Diego County 2010-2020 3.5-4
Table 3.5-4 Automotive Fuel Consumption in San Diego County 2010-2020 3.5-5
Table 3.5-5 Annual Estimated Greenhouse Gas Emissions 3.5-20
Table 3.5-6 Consistency with the 2021 Regional Plan 3.5-26
Table 3.5-7 Consistency with the 2017 Scoping Plan Update 3.5-28
Table 3.5-8 Project Consistency with Applicable Goals and Policies of the City of Encinitas
General Plan 3.5-30
Table 3.5-9 Project Consistency with Applicable Strategies of the City of Encinitas Climate
Action Plan 3.5-32
Table 3.5-10 Project and Countywide Energy Consumption 3.5-33
Table 3.8-1 Summary of 100-yr Storm Event Hydrologic Analyses 3.8-16
Table 3.10-1 Definitions of Acoustical Terms 3.10-3

Table of Contents

Table 3.10-2	Measured Ambient Noise Levels.....	3.10-6
Table 3.10-3	Land Use Compatibility for Community Noise Environments	3.10-8
Table 3.10-4	City of Encinitas Exterior Noise Limits	3.10-10
Table 3.10-5	City of Encinitas Ground Vibration Limits	3.10-11
Table 3.10-6	Noise Levels Generated by Construction Equipment	3.10-16
Table 3.10-7	Existing vs. Existing + Project Noise Levels.....	3.10-19
Table 3.10-8	Typical Noise Levels Generated by Parking Lots	3.10-21
Table 3.10-9	Typical Vibration Levels for Construction Equipment.....	3.10-23
Table 3.10-10	Cummulative Traffic Noise	3.10-28
Table 3.11-1	Existing Parks, Beaches, and Open Space	3.11-3
Table 3.11-2	Estimated Student Generation	3.11-11
Table 3.11-3	School Capacity	3.11-12
Table 3.11-4	Available Parkland and Demand	3.11-14
Table 3.12-1	Project Trip Generation	3.12-14
Table 3.12-2	Project VMT Percentage of Regional Mean and Impact Summary	3.12-15
Table 3.14-1	SDWD Population – Current and Projected	3.14-2
Table 3.14-2	Total Water Demands in Acre-Feet per Year	3.14-2
Table 3.14-3	Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year	3.14-3
Table 3.14-4	Historical Water Use	3.14-16
Table 3.14-5	Preliminary Project Water Demand Summary	3.14-16
Table 3.14-6	Projected Sewage Flows.....	3.14-18
Table 3.14-7	Summary of Sewer Capacity with Proposed Project	3.14-19
Table 3.14-8	Projected Project Water Demand Summary	3.14-22
Table 3.14-9	Project Water Conservation Measures and Water Savings	3.14-22
Table 4.3-1	City of Encinitas Population and Housing Projections	4.0-5
Table 5-1	Comparison of Project Alternative Impacts to the Proposed Project.....	5.0-4
Table 5-2	Project Trip Generation for Alternative 2	5.0-11
Table 5-3	Project Trip Generation for Alternative 3	5.0-16

LIST OF FIGURES

Figure 2.0-1 Regional/Local Vicinity Map 2.0-31

Figure 2.0-2 Aerial Photograph 2.0-32

Figure 2.0-3A Site Plan..... 2.0-33

Figure 2.0-3B Conceptual Roundabout Plan 2.0-34

Figure 2.0-4A Apartment Use - Conceptual Elevations 2.0-35

Figure 2.0-4B Apartment Use/Parking Garage – Section View..... 2.0-36

Figure 2.0-4C Parking Garage Elevations 2.0-37

Figure 2.0-4D Mixed-Use - Conceptual Elevations 2.0-38

Figure 2.0-4E Mixed-Use - Conceptual Elevations 2.0-39

Figure 2.0-4F Hotel - Conceptual Elevations 2.0-40

Figure 2.0-5 Conceptual Landscape Plan 2.0-41

Figure 2.0-6 Preliminary Utility Plan 2.0-42

Figure 2.0-7 Conceptual Grading Plan 2.0-43

Figure 3.0-1 Cumulative Projects Map 3.0-8

Figure 3.1-1A Views of the Project Site 3.1-4

Figure 3.1-1B Surrounding Land Uses..... 3.1-5

Figure 3.1-1C Surrounding Land Uses..... 3.1-6

Figure 3.1-2 Scenic Resources..... 3.1-7

Figure 3.1-3 Illustrative Renderings..... 3.1-37

Figure 3.1-4 Visual Simulation Location Map 3.1-38

Figure 3.1-5A Key View 1A..... 3.1-39

Figure 3.1-5B Key View 1B..... 3.1-40

Figure 3.1-5C Key View 1C..... 3.1-41

Figure 3.1-5D Key View 1D..... 3.1-42

Figure 3.1-6A Key View 2A..... 3.1-43

Figure 3.1-6B Key View 2B..... 3.1-44

Figure 3.1-6C Key View 2C..... 3.1-45

Figure 3.1-6D Key View 2D..... 3.1-46

Figure 3.1-7A Key View 3A..... 3.1-47

Figure 3.1-7B Key View 3B..... 3.1-48

Figure 3.1-7C Key View 3C..... 3.1-49

Figure 3.1-7D Key View 3D..... 3.1-50

Figure 3.10-1 Ambient Noise Monitoring Locations 3.10-14

APPENDICES

Appendix A-1	Notice of Preparation and Scoping Documents
Appendix A-2	Citizen Participation Program Report
Appendix B	Air Quality Technical Memorandum
Appendix C-1	Terrestrial Biological Resources Assessment
Appendix C-2	Arborist Report
Appendix D-1	Phase I Cultural Resources Identification Technical Memorandum
Appendix D-2	Phase II Archaeological Research, Design, and Site Testing, and Evaluation Technical Report
Appendix E	Greenhouse Gas Emissions and Energy Technical Memorandum
Appendix F	Geotechnical Investigation
Appendix G	Stormwater Intake Form and Storm Water Quality Management Plan
Appendix H	Preliminary Hydrology Study
Appendix I	Paleontological Resources Technical Report
Appendix J-1	Phase I Environmental Site Assessment - 1900 N. Highway 101
Appendix J-2	Phase I Environmental Site Assessment- 1950-2100 N. Highway 101
Appendix K	Noise and Groundborne Vibration Technical Memorandum
Appendix L-1	Vehicle Miles Traveled Analysis
Appendix L-2	Local Transportation Analysis
Appendix M-1	Preliminary Sewer Study
Appendix M-2	Fire Flow Analysis
Appendix M-3	Preliminary Water Demand Summary
Appendix N	Project Facility Availability Forms

0.1 INTRODUCTION

The Final Environmental Impact Report (EIR) for the Marea Village Mixed Use Development Project (project) has been prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.), and the CEQA Guidelines (14 California Code of Regulations, Division 6, Chapter 3). CEQA Guidelines Section 15132 indicates that the contents of a Final EIR shall consist of:

- The Draft EIR or a revision of the Draft EIR;
- Comments and recommendations received on the Draft EIR, either verbatim or in summary;
- A list of persons, organizations, and public agencies commenting on the Draft EIR;
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency.

The Draft EIR and the Final EIR, along with public comments, will be considered by the City of Encinitas (City) in determining whether to certify the Final EIR and approve the project.

0.2 ORGANIZATION OF THE FINAL EIR

This Final EIR provides the requisite information required under CEQA and is organized as follows:

- **Introduction to the Environmental Analysis.** This section introduces the Final EIR, including the requirements under CEQA, and the organization of the document, as well as a summary of the CEQA process activities to date.
- **Comment Letters and Responses to Comments.** This section lists the public agencies, organizations, and individuals commenting on the Draft EIR, provides a copy of each written comment received, and includes any response required under CEQA.
- **Final EIR.** This section details changes to the Draft EIR in strikeout/underline format.

0.3 CEQA PROCESS SUMMARY

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

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

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.

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

The Draft EIR includes an in-depth evaluation of fourteen environmental resource areas and other CEQA-mandated issues (e.g., cumulative impacts, growth-inducing impacts, alternatives, impacts that are less than significant). The environmental issue areas upon which the EIR focuses are 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, and utilities and services systems.

The City released the Draft EIR to the public on September 24, 2021, for a 45-day review ending on November 8, 2021. During the public review period, the Draft EIR was available for review on the City’s website at www.ci.encinitas.ca.us/I-Want-To/Public-Notices/Development-Services-Public-Notices under “Environmental Notices.” Additionally, hard copies were available at the City’s Planning Division, 505 S. Vulcan Avenue, Encinitas, California, 92024. Responses were received from two state agencies [California Department of Transportation (Caltrans); California Department of Fish and Wildlife (CDFW)]; one local agency (City of Carlsbad); two organizations; and 41 individuals.

Comments received on the Draft EIR have been incorporated into the Final EIR document. The City will review and consider the Final EIR. If the City finds that the Final EIR is “adequate and complete,” the City may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if it: (1) shows a good faith effort at full disclosure of environmental information; and (2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be accompanied by written findings (Findings of Fact) in accordance with State CEQA Guidelines Section 15091. Public Resources Code Section 21081.6 also requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The Findings of Fact and the MMRP are available under separate cover.

0.4 CHANGES TO THE DRAFT EIR

Changes have been made in the Draft EIR in strikeout/underline format in response to public comments received and to provide updates and clarification to information in the document. Consistent with CEQA Guidelines Section 15088.5(b), these revisions have been made to clarify text for consistency or to revise punctuation as appropriate. Such revisions do not result in what constitutes new significant information that would require recirculation of the document.

Public Review

It should be noted that as part of preparation of the Final EIR, and in response to public comments received during the 45-day public review period, as well as minor changes to the project design, revisions to several technical studies prepared in support to the EIR were determined to be required. The revisions were made to revise the approach taken to establish the existing baseline with consideration of Section 15125, Environmental Setting, of the CEQA Guidelines. As described in Section 15125(a)(1), “Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence.”

Project Design Changes

The number of guest rooms proposed with the boutique hotel was increased from 30 to 34 following public review of the Draft EIR. Future development within the Limited Visitor-Serving Commercial (N-L-VSC) (R-30 OL) zone, which applies to the project site, is intended to be mixed-

use and include residential- and visitor-serving commercial uses, as well as have a minimum of 30 traditional overnight accommodations. The project design was therefore revised to increase the number of hotel rooms proposed to include an additional 4 guest rooms at economy (affordable) rates, for a total of 8 economy rooms, in addition to the 26 proposed market-rate rooms. This increase in the number of economy rooms was made to enhance the ability of the project to provide a full range of affordability in visitor-serving accommodations in accordance with the City of Encinitas Zoning Ordinance and the Local Coastal Program. Refer to Final EIR [Section 2.0, Project Description](#), for additional discussion. Additionally, an increase in the overall square footage of the hotel occurred as several exterior areas proposed for circulation purposes were redesigned to be enclosed. This, in combination with the addition of 4 guest rooms, increased the overall square footage of the hotel use from 18,109 square feet (s.f.) to 24,319 s.f. These changes have been considered where relevant in the Final EIR and the related technical studies in the case where an increase in the number of guest rooms may have the potential to affect the original analysis (e.g., air quality, energy conservation and climate change, and transportation).

Technical Updates

The Vehicle Miles Traveled (VMT) Analysis (LOS Engineering, Inc. 2020, revised 2022; EIR [Appendix L-1](#)) and the Local Transportation Analysis (LTA) (LOS Engineering, Inc. 2021, revised 2022; EIR [Appendix L-2](#)) were revised to reflect the increased number of hotel rooms, as well as to update the baseline condition used. The technical analyses and EIR included vehicle trips generated by the former restaurant use (Cabo Grill) located in the northern portion of the project site. Additionally, a traffic credit was originally applied as the existing on-site uses would be replaced by the proposed project, and the existing uses currently have pass-by trips already contributing to traffic on local roadways.

However, as the former quality restaurant use has been abandoned since approximately 2009, and the assumption cannot be made that a similar use could return to occupy the space in the reasonably near future without further discretionary action, it was determined that such assumed trips should not be included as part of the baseline. Based on this approach to omit the assumed vehicle trips potentially generated by the abandoned restaurant use, the project would generate a net increase of 1,173 average daily trips (ADT) above that generated under current conditions. The EIR analysis, as well as the VMT Analysis and LTA, have been revised as appropriate to reflect this assumption (see Final EIR [Appendices L-1](#) and [L-2](#); revised 2022).

Such an increase justified revisions to the baseline considered in other technical reports to more accurately reflect existing conditions. Therefore, the Air Quality Technical Memorandum (Michael Baker International 2021, revised 2022; EIR [Appendix B](#)); the Greenhouse Gas Emissions and Energy Technical Memorandum (Michael Baker International 2021, revised 2022; EIR

Appendix E); and the Noise and Groundborne Vibration Technical Memorandum (Michael Baker International 2021, revised 2022; EIR Appendix K) were also revised. Relevant sections of the EIR were also revised to reflect the changes made to the technical analyses. Minor edits to certain mitigation measures in the EIR have also been incorporated into the Mitigation Monitoring and Reporting Program prepared for the project.

As part of the North Coast Highway 101 Streetscape Improvement Project, the City has identified the desire for a roundabout within the project vicinity; as such, the project has been redesigned to include construction of a roundabout at the proposed project entry drive. The EIR has therefore been updated as appropriate to reflect construction of the roundabout (as currently proposed) in place of a left-turn lane (as originally proposed) along Highway 101. No new significant impacts would result pursuant to CEQA; however, impacts relative to VMT would remain significant and unavoidable, as identified in the Draft EIR. Refer to Final EIR Section 2.0, Project Description, and Section 3.12, Transportation, for relevant errata, as well as the revised technical studies included as EIR Appendix L-1 (Vehicle Miles Traveled Analysis) and EIR Appendix L-2 (Local Transportation Analysis).

Other minor changes have also been made to the Draft EIR text, subsequent to the public review period, for purposes of clarity or consistency. However, none of the revisions made resulted in identification of a new or increased significant impact, and no new mitigation measures are required or proposed.

Recirculation of EIR Not Required

CEQA Guidelines Section 15088.5 describes when an EIR requires recirculation prior to certification, stating in relevant part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.*

- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

The revisions made to the Draft EIR clarify or make insignificant changes to an adequate EIR and do not constitute significant new information, as defined by CEQA Guidelines Section 15088.5. None of the changes or information provided in the comments reflect a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. Therefore, the Draft EIR is not subject to recirculation prior to certification.

The changes to the Draft EIR in response to comments received from the public and agencies have been incorporated into each section of the Final EIR, as appropriate. Text revisions are identified as follows:

- Deletions are indicated by ~~strikeout text~~
- Additions are indicated by underline text

0.5 COMMENT LETTERS AND RESPONSES TO COMMENTS

A Draft EIR analyzing the proposed project was prepared and circulated for public review from September 24, 2021, to November 8, 2021. During that time, the City received two comment letters from state agencies; one comment letter from a local agency; two comment letters from organizations; and 41 comment letters from individuals. The comments have each been assigned a numeric label, and the individual comments identified in each written comment letter are bracketed and labeled alphabetically.

The City's responses to each comment on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the State CEQA Guidelines, the City is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines Sections 15088 and 15204, the City has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised. CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Rather, CEQA requires the City to provide a good faith, reasoned analysis supported by factual information. To fulfill these requirements, the City's experts in planning and environmental sciences consulted with and independently reviewed analysis responding to the Draft EIR comments prepared by Michael Baker International (the City's environmental consultant who prepared this EIR) and other experts, which include experts in planning, aesthetics, agriculture, air quality, biology, cultural resources, geology and soils, greenhouse gas emissions, hazards and

hazardous materials, hydrology and water quality, land use planning, noise, public services, transportation and traffic, utilities and service systems, energy, and environmental studies, each of whom has years of educational and field experience in these categories; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the City staff's final analysis provided in the responses to comments is backed by substantial evidence.

The table below lists those parties that provided written comments on the Draft EIR during the public review period. A copy of each comment letter is provided in this section. Comments provided in each letter have been numbered for ease of reference to the City's corresponding response that follows.

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Marea Village Mixed Use Development Project EIR
Comments from Public Agencies, Organizations, and Individuals

Letter Number	Organization/Name	Date of Letter
Agencies		
0	California Department of Fish and Wildlife (CDFW)	November 8, 2021
1	California Department of Transportation (Caltrans)	November 9, 2021
2	City of Carlsbad	November 15, 2021
Organizations		
3	Friends of Seabluffe	November 5, 2021
4	Southwest Regional Council of Carpenters	November 8, 2021
Individuals		
5	Bob Eubank	November 5, 2021
6	B. Alexander	November 5, 2021
7	Carole Mayne	October 20, 2021
8	Chris and Desiré Smith	October 24, 2021
9	Chris Carrico	October 21, 2021
10	Darrius Miller	November 4, 2021
11	Delores Loedel	October 28, 2021
12	Desire Smith	November 1, 2021
13	Dolores Welty	October 14, 2021
14	Dolores Welty	November 8, 2021
15	Emmy Croskery	October 26, 2021
16	Frances and Tim Walters	November 7, 2021
17	Gerry Rahill	November 4, 2021
18	Gil and Esther Perez	November 2, 2021
19	Glenn and Julie Shulman	November 2, 2021
20	Hugh Buchanan	October 20, 2021
21	Janet Barmettler	November 2, 2021
22	Janet Jensen	October 20, 2021
23	Jessica Stemmler	November 8, 2021
24	John D and Family	November 8, 2021
25	John and Elena Thompson	November 6, 2021
26	Joyce King	November 8, 2021
27	Judith Brent	October 30, 2021
28	Kent Plank	November 3, 2021
29	Larry Riis	November 7, 2021
30	Lief Pedersen	October 22, 2021
31	Lorie Sousa	October 15, 2021
32	Lynda Bissell	November 8, 2021
33	Mark Nuell	November 8, 2021
34	Mary Anne Penton	October 25, 2021
35	Michelle Turnbull	October 26, 2021

Letter Number	Organization/Name	Date of Letter
36	Nicola Ranson	November 8, 2021
37	Pamela Fulcher-Riggs	November 11, 2021
38	Rich Verneti	November 8, 2021
39	Robert and Mary Baran	November 6, 2021
40	Robert C. and Ludmila Dickeson	November 5, 2021
41	Ruth Utti	November 8, 2021
42	Sally Bland-Boice	October 20, 2021
43	Sharon Crystal	November 3, 2021
44	Steve and Meg Norton	November 7, 2021
45	Tom Alper	October 25, 2021

MASTER RESPONSE 1 – TRAFFIC LEVEL OF SERVICE (LOS)

Senate Bill (SB) 743 (2013) amended the CEQA Guidelines to exclude level of service (LOS) and auto delay (i.e., “traffic”) when evaluating transportation impacts. The legislation effectively replaced these former CEQA transportation metrics with one that is more closely aligned with greenhouse gas (GHG) emissions and climate change, namely vehicle miles traveled (VMT). For more information on the project’s VMT impacts, refer to Section 3.12, Transportation, of the EIR and **Master Response 4, Vehicle Miles Traveled**.

As LOS is not given consideration under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS. For more information on the LOS analysis, refer to Appendix L-2, *Local Transportation Analysis* (LOS Engineering, Inc. 2022) of the EIR. Although it is not necessary to respond to comments pertaining to LOS in the project’s EIR, general information about the LOS study is provided below for the readers’ convenience.

Timing of Traffic Counts

Some public comments received expressed concern about the timing of the traffic counts conducted for the LOS study. Intersection counts were collected between 7:00 AM to 9:00 AM for the AM commuter period and from 4:00 PM to 6:00 PM for the PM commuter period. Traffic counts were conducted between November 2019 and February 2020. As such, the traffic counts were conducted prior to the COVID-19 lockdowns that disrupted normal traffic conditions and are instead representative of existing, or baseline, conditions.

Ingress/Egress to/from Seabluffe Village

Refer to **Master Response 2, Safety**, below, for responses pertaining to ingress/egress for Seabluffe Village. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed

project entry drive; refer to Figure 2.0-3B, Conceptual Roundabout Plan, of the EIR. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be dispersed throughout the day, with the peak being in the AM and PM commuter hours.

Parking

Several commenters questioned the provision of parking for the proposed project. Parking is not an environmental issue subject to CEQA analysis, but rather an issue of social inconvenience; therefore, parking was not analyzed in the EIR. However, project parking details are shown on the Site Plan prepared for the project (see Figure 2.0-3A, Site Plan, of the EIR). As shown, the project provides the 257 parking spaces required by the City's Zoning Ordinance.

Cumulative Analysis

Some commenters inquired about how the cumulative analysis was conducted in the project's LOS study and what cumulative projects were included. The following projects were included in the cumulative traffic analysis. The list includes all reasonably foreseeable projects known to the City at the time the EIR was being prepared (as of issuance of the Notice of Preparation):

1. Encinitas Project Number 04-268 (Encinitas Beach Hotel at 2100 N. Coast Highway 101). A 130-room hotel calculated to generate 1,300 average daily traffic (ADT) with 78 AM and 104 PM peak hour trips.
2. Encinitas Project Number 13-187 (378 Fulvia St). A residential project with 9 dwelling units calculated to generate 78 ADT with 6 AM and 8 PM peak hour trips.
3. Encinitas Project Number 15-222 (Weston at 510 La Costa Ave). A residential project with 48 lots calculated to generate (with a credit for two existing homes) 460 ADT with 38 AM and 46 PM peak hour trips.
4. Encinitas Project Number 17-152 (1569 Lorraine Dr). A residential project with 1 dwelling unit calculated to generate 10 ADT with 1 AM and 1 PM peak hour trip.
5. Encinitas Project Number 17-197 (740 N. Coast Hwy 101). A mixed-use project with a net increase in traffic generation of 116 ADT with 16 AM and 16 PM peak hour trips.
6. Encinitas Project Number 17-280 (1251 N. Vulcan). A residential project with 9 dwelling units calculated to generate 90 ADT with 7 AM and 9 PM peak hour trips.
7. Encinitas Project Number 18-135 (Skyloft Rd). A senior housing project with 108 beds located across 18 separate structures (homes) calculated to generate 270 ADT with 10 AM and 22 PM peak hour trips.
8. Encinitas Project Number 18-188 (Hotel at 516 La Costa Ave). A 17-room hotel and restaurant calculated to generate 170 ADT with 11 AM and 14 PM peak hour trips.

9. Encinitas Project Number 18-220 (555 N. Vulcan Ave). A redevelopment project from an existing commercial business to 12 multi-family units resulting in a net reduction of overall trip generation, thus no new trips added to the study area.
10. Encinitas Housing Element Candidate Site AD08 (1967 N. Vulcan Ave). A redevelopment project from an existing commercial business to 72 multi-family units resulting in a trip generation increase of 372 ADT with 32 AM and 34 PM peak hour trips.
11. Carlsbad Project Number 2016-0002-MS (Ponto Beachfront in the vicinity of Carlsbad Blvd/Avenida Encinas). A mixed-use project that includes 136 townhomes and 18,000 square feet (SF) for retail and restaurants is calculated to have a trip generation of 2,912 ADT with 187 AM and 258 PM peak hour trips.
12. Carlsbad Project Number GPA 2019-0004 (Newage Luxury Resort on the southeast corner of Avenida Encinas and Carlsbad Blvd). A resort hotel with 322 rooms calculated to have a trip generation of 3,220 ADT with 193 AM and 258 PM peak hour trips.

Further, to be conservative, background peak hour volumes (ranging from single digits up to 35 peak hour trips depending on intersection location) were added to the study area to account for unknown and/or distant cumulative projects.

MASTER RESPONSE 2 – SAFETY

A number of public comments received assert there is an existing traffic safety problem on Highway 101 and La Costa Avenue and that the proposed project would exacerbate the problem. Similarly, comments received also expressed the opinion that vehicular traffic, as well as traffic accidents, on La Costa Avenue and Highway 101 have increased since the adjacent Alila Marea Beach Resort was constructed, and that a cumulative increase in traffic from other proposed projects in the area may affect public safety.

The project has been designed in accordance with the City's roadway engineering design standards to ensure that adequate circulation and public safety are maintained on local roadways. Additionally, other development projects proposed in the area, as with the project, would be subject to discretionary review and approval by the City, which includes consideration for traffic generation and potential effects on local roadways, as well as public safety. As appropriate, mitigation measures and/or conditions of approval may be required to reduce a project's contribution to any potential transportation safety concerns and to ensure that public safety can be maintained along local streets and intersections. For example, recent project approvals have required the addition of sidewalks and two-way turn lanes on La Costa Avenue, and roundabouts on Highway 101, all to maintain safe circulation patterns.

As indicated in Section 3.12, Transportation, of the EIR, project impacts relative to transportation were determined to be less than significant, with the exception of VMT, which does not correlate to traffic congestion or safety. Further, the project was determined to not result in a conflict with

any applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Several commenters expressed concern pertaining to safety at the intersection of La Costa Avenue and Highway 101, suggesting that cars do not stop for the red light and that a “No Turn on Red” restriction should be applied at the intersection. The City acknowledges public concern as to safety issues at this intersection; however, the project does not propose or require any improvements to the intersection, including any restrictions on circulation patterns or monitoring (i.e., red light cameras). The project applicant would also be required to make payment of fair share traffic impact fees as part of the discretionary process.

Comments received expressed concern that the proposed project would negatively impact evacuation out of neighboring Seabluffe Village. As evaluated in Section 3.7, Hazards and Hazardous Materials, of the EIR, improvements associated with the proposed project would not impede existing emergency response or evacuation plans for the project area and impacts would be less than significant in this regard.

The project would not result in closures of North Coast Highway 101 or other local roadways that may affect emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area.

Comments received expressed concern that the increase in traffic generated by the project would negatively affect ingress/egress or create safety concerns relative to the neighboring Seabluffe community. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; see EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress.

Traffic entering or exiting the site from Highway 101 would be separated from traffic entering or exiting the Seabluffe community and would not interfere with such traffic flows. Project-generated traffic traveling southbound would be expected to enter the project access drive upon arrival at the site. Traffic exiting the project site would turn right to enter the roundabout and then continue southbound along Highway 101, past the Seabluffe driveway (or continue around the roundabout to access northbound Highway 101). As indicated in revised Section 3.12, Transportation, of the EIR and the revised *Local Transportation Analysis* (LOS Engineering, Inc. 2022; EIR Appendix L-2), the project is expected to generate a net increase of 1,173 ADT above existing conditions, with 85 trips during the AM peak hour and 124 trips during the PM peak hour and would not substantially increase existing traffic flows on Highway 101 past the Seabluffe site.

Further, vehicle ingress/egress to/from the Seabluffe community would also be intermittent, and would be dispersed throughout the day.

Comments received also expressed concern over the safety of bicyclists and pedestrians in the area with the addition of vehicular traffic. Concern was expressed for cyclists and pedestrians biking/walking by the access driveway to the project and with the addition of a proposed turning pocket (northbound) and the speed at which vehicles would be traveling along the road (southbound). The project site would be served by only one access driveway, thereby minimizing the number of points where traffic entering/exiting the site would need to cross sidewalks or bike lanes and reducing potential conflict between vehicles and pedestrians/bicyclists. Although area traffic would increase with project implementation, there is no evidence in the record to suggest that this increase will result in increased hazards to pedestrians and bicyclists. To the contrary, the project has been designed in accordance with the City's roadway engineering design standards to ensure that adequate circulation and public safety are maintained on local roadways.

Additionally, as indicated in Section 2.0, Project Description, of the EIR, the improvements proposed with the project would implement the goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation.

MASTER RESPONSE 3 – BLUFF STABILITY

A number of comments raised concern over the project’s potential effects on stability of the coastal bluffs and whether development of the site would exacerbate the potential for bluff failures. The geotechnical investigation conducted for the project site indicated no evidence of active or dormant landsliding. While mapping indicates that the project site is in an area considered to be ‘generally susceptible’ to landslide activity, the potential for landslide hazard is considered ‘negligible’ for the subject property and the surrounding areas due to shallow existing ground slopes and proposed grades at the project site. As such, the proposed development would not contribute to bluff instability or otherwise result in or exacerbate potential for geotechnical hazards.

Some comments asserted that the proposed project would alter existing drainage patterns in the project vicinity and divert water towards the bluffs, which would cause erosion and destabilization of the bluffs. As discussed in Impact 3.8-1 of the EIR, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post construction condition to an on-site underground storage vault. As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cubic feet per second, or cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or destabilization of the adjacent bluffs. Impacts would be less than significant.

MASTER RESPONSE 4 – VEHICLE MILES TRAVELED

Some comments received noted that the project’s VMT impacts would be significant and unavoidable which does not align with the City’s Climate Action Plan (CAP) or the State’s VMT and emission reductions goals. The commenters assert that the project should incorporate additional mitigation measures to reduce VMT impacts to a less than significant level.

The method used to derive and evaluate the project’s VMT was determined based on trip generation rates utilizing SANDAG’s *(Not So) Brief Guide to Vehicular Trip Generation* (SANDAG 2002). Table 3.12-1, Project Trip Generation, of the EIR provides daily project trip generation for the project. As the project site currently supports active uses that generate traffic, a traffic credit was applied because the existing uses would be replaced by the project.

While the project is located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing; and is consistent with City’s General Plan, HEU, Local Coastal Program, Municipal Code, North Highway 101 Specific Plan (N101SP), Climate Action Plan (CAP),

and SANDAG's The Regional Plan, impacts related to VMT/capita and VMT/employee would still exceed the established CEQA threshold of 85% of the regional average. Therefore, the project would have a potentially significant VMT-related transportation impact.

To reduce the VMT/capita and VMT/employee associated with the project, VMT reducing measures would need to be implemented. As such, transportation demand management (TDM) strategies would be implemented to reduce vehicle trips generated and increase the use of alternative travel modes. TDM measures to be implemented and enforced for the project are identified in mitigation measure TR-1 as follows:

TR-1 The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled.

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program (www.icommutesd.com) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4% VMT reduction based on the project's proposed voluntary employer commute program and the mix of land uses. Other measures such as the provision of public transportation information and pedestrian linkages (as identified above) are not credited with VMT reductions for CEQA purposes, as those measures cannot be reliably quantified, but would invariably foster further VMT reductions.

The California Air Pollution Control Officers Association (CAPCOA), which provides guidance on how to quantify VMT-reducing measures, states that the maximum combined allowable VMT reduction is 15% for this type of project. Since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact

cannot feasibly be achieved. Impacts relative to VMT would therefore remain significant and unavoidable.

MASTER RESPONSE 5 – CITY OF ENCINITAS CLIMATE ACTION PLAN

Some comments received asserted that the project conflicts with the City’s CAP and State emission reductions goals. Commenters asserted that the project should incorporate additional mitigation measures to further reduce project emissions.

The City’s CAP was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, “as part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

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

As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, the project would comply with energy efficiency and renewable energy goals and policies identified in the City’s CAP and General Plan, as listed in Table 3.5-8, Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan, and Table 3.5-9, Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan. The project would also comply with the most recent version of the Title 24 and CALGreen efficiency standards, which would ensure the project incorporated photovoltaic solar panels, energy-efficient windows, insulation, lighting, ventilation systems, and water-efficient fixtures, as well as green building standards.

It should also be noted that the City of Encinitas adopted its Green Building Ordinance (Ordinance 2021-13) in October 2021, subsequent to preparation of the Draft EIR. The ordinance is aimed at advancing the City’s climate action goals and exceeds California’s existing building energy standards, requiring improvements such as installation of or upgrades for solar photovoltaic systems, electrical appliances, insulation of hot water pipes and heaters, fittings in faucets and shower heads, light emitting diode (LED) lighting, attic air sealing and insulation, and other such building components. The Ordinance exceeds state of California Title 24 and CALGreen standards, and these requirements would apply to the proposed project.

Additionally, the project requires mitigation (mitigation measure GHG-1) that would reduce project emissions. Total amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,701.33 metric tons carbon dioxide equivalent per year (MTCO₂e/year). With emission reductions applied, project related GHG emissions would total 1,364.42 MTCO₂e/year. The project would generate GHG emissions of approximately 4.98 MTCO₂e per year per service population, which would exceed the significance threshold of 2.7 MTCO₂e per year per service population from the City's CAP.

Therefore, the impact would be potentially significant and mitigation is required. Mitigation measure GHG-1 is proposed to require the project applicant to purchase and retire a total of 18,739 MTCO₂e GHG offsets to reduce the project's GHG emissions to 2.7 MTCO₂e per year per service population (NOTE: emissions in exceedance of City's threshold multiplied by the project service population multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required for the project). With implementation of mitigation measure GHG-1, the project would not exceed the GHG emissions threshold from the City's CAP, and the impact would be reduced to less than significant.

MASTER RESPONSE 6 – AIR QUALITY

Some comments received asserted that the project conflicts with the City's CAP and State emission reductions goals. Commenters also asserted that the air quality analysis in the EIR is inadequate and that the EIR failed to adequately evaluate the health risk from diesel particulate matter emissions. Commenters asserted that the project needs to incorporate additional mitigation measures to further reduce project emissions.

As stated in Section 3.2, Air Quality, of the EIR, the project site is located within the San Diego Air Basin and is regulated by the San Diego Air Pollution Control District (SDAPCD). The State Implementation Plan (SIP) and Regional Air Quality Strategy (RAQS) are the applicable air quality plans for the SDAPCD. Consistency with the SIP and RAQS means that a project is consistent with the goals, objectives, and assumptions set forth in the SIP and RAQS that are designed to achieve federal and State air quality standards. The 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. The SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). Projects that emit these pollutants or their precursors (i.e., volatile organic compounds [VOC] and nitrogen oxide [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 3.2-5 and Table 3.2-6 of the EIR, construction and operations/occupancy emissions would not exceed the SDAPCD significance thresholds. Additionally, as construction emissions identified in Table 3.2-5 are low relative to standards, simultaneous construction of

the cumulative projects would cause a less than significant cumulative impact on air quality. The project would be consistent with the City's General Plan, Specific Plan, and General Plan Housing Element Update (HEU) land use and zoning designations. Although the RAQS does not reflect the increased population associated with the HEU update, the City previously mitigated this issue by providing SANDAG with updated housing and land use data to update the RAQS as required by the HEU EA. As such, the project would not cause SANDAG's population forecast to be exceeded and would ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP. Therefore, emissions generated by the project would be addressed in the RAQS and SIP. In addition, as discussed in Impact 3.2-2 of the EIR, the project would result in emissions that would be below the SDAPCD thresholds. Therefore, the project would not conflict with or obstruct implementation of the RAQS and SIP; the project would not result in significant air quality impacts in this regard.

0 CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFW)

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 8, 2021

Governor's Office of Planning & Research

Nov 08 2021

STATE CLEARINGHOUSE

Scott VurbEFF
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024
SVurbEFF@encinitasca.gov

Subject: Marea Village Mixed use Development Project (PROJECT); Draft Environmental Impact Report (DEIR); SCH #2021020272

Dear Mr. VurbEFF:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Encinitas (City) for the Marea Village Mixed Use Development Project (Project, SCH No. 2021020272) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted comments to the City in response to the Notice of Preparation of the DEIR in a letter dated March 15, 2021.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. Our comments contained herein are based upon information in the DEIR, the accompanying Terrestrial Biological Resources Assessment (Appendix C-1 of the DEIR) prepared by Michael Baker International (MBI 2021), and CDFW's knowledge of sensitive biological resources.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Sawyer et al. 2008, *id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 *et seq.*) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW

0-A

Comment Summary:

This comment acknowledges receipt of the Notice of Availability for the EIR and states that CDFW previously submitted comments in response to the Notice of Preparation on March 15, 2021.

Response:

The comment is introductory and does not raise any environmental concerns nor address the adequacy of the EIR.

0-B

Comment Summary:

This comment provides an introductory discussion and description of the mission of CDFW.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

0-A

0-B

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Scott Vurbeff
City of Encinitas
November 8, 2021
Page 2 of 17

recommends the Project proponent obtain appropriate authorization under the Fish and Game Code (COPR 2009).

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Encinitas (City) participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP has not been finalized and has not been adopted by the City or received permits from CDFW or the United States Fish and Wildlife Service (USFWS; collectively referred to as the Wildlife Agencies).

PROJECT DESCRIPTION SUMMARY

Proponent: Encinitas Beach Land Venture, LLC

Objective: The objective of the Project is to demolish the existing buildings on the property and construct 94 for-lease apartments (2.30 acres), a 30-room boutique hotel resort (0.80 acre), and 18,261 square feet of mixed-use commercial businesses (0.69 acre). The new buildings are proposed to be three stories in height (maximum 34 feet tall). The Project would also include construction of an underground parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. The two-level parking garage would be recessed into the adjacent hillside to obscure the height of the structure when combined with the apartment buildings. All proposed ornamental plantings, including landscaping for the on-site bioretention areas, would be a mix of City-approved native species; the use of non-native species is not proposed.

Project activities include major demolition and grading of the existing development including all surface parking areas, a small commercial center in the southeastern portion of the site, and the unoccupied former restaurant building in the northern portion, totaling approximately 10,681 square feet of clearance. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress.

Location: The 3.8-acre Project site is located at the southwest corner of La Costa Avenue and North Coast Highway 101 in the City. The Project site address is 1900 and 1950 North Coast Highway 101, and is currently partly developed with mixed commercial uses and partly undeveloped land. In the northern portion of the site, there is an unoccupied commercial building and associated parking lot and in the southern portion there is a restaurant, retail space, and associated parking lots. In the southwest portion of the site there is heavily disturbed land with ruderal vegetation. Areas surrounding the Project site consist of primarily undeveloped land with Batiquitos Lagoon in the north, residential to the west, commercial and residential in the south, and the 101 highway and mixed development to the east. On-site habitat consists of ornamental vegetation and disturbed areas intermixed with the commercial development (MBI 2021).

Biological Setting:

The Batiquitos Lagoon Ecological Reserve occurs 0.25 mile away from the northern border of the Project site. The 544-acre property is managed by CDFW, with the goal to preserve, protect, and maintain its improved coastal wetland habitat and associated species (CDFW 2021a). Per the 2021 Carlsbad Habitat Management Plan (HMP) Triennial Monitoring Summary Report, Batiquitos Lagoon has been identified as a critical location in the Multiple Habitat Conservation Plan (MHCP)

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cont'd

0-C

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Comment Summary:

This comment provides a summary of the proposed project and biological setting.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

0.0 Preface

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Scott Vurbeff
City of Encinitas
November 8, 2021
Page 3 of 17

for sensitive bird species including California least tern (*Sterna antillarum browni*; California Fully Protected species, CESA-listed Endangered and federal Endangered Species Act (ESA)-listed Endangered), Western snowy plover (*Charadrius alexandrinus nivosus*; ESA-listed Threatened), light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed Endangered, CESA-listed Endangered and CDFW Fully Protected species), and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed Endangered). In addition, the Reserve at Batiquitos functions as part of the regional stepping-stone corridor that provides wildlife dispersal opportunities between south San Diego County and Camp Pendleton (and into Orange and Riverside counties). This general route may support the coastal California gnatcatcher (*Poliopitila californica*, gnatcatcher; ESA-listed Threatened) (City of Carlsbad 2021). A review of California Natural Diversity Database (CNDDB) indicates gnatcatcher has been observed within 0.80 mile of the Project vicinity and Ridgway's rail has been observed 0.47 mile away from the Project area at the Lagoon (CDFW 2020a). Sensitive plant species, such as San Diego ambrosia (*Ambrosia pumila*, ESA-listed Endangered), also have been observed within the Batiquitos Lagoon area (CDFW 2020b).

The DEIR's survey area was described as the Project area plus areas generally within 100 feet. According to MBI (2021), the southwest and eastern portions of Project area contained 1.82 acres of disturbed land with non-native vegetation including brome grasses (*Bromus spp.*), short-pod mustard (*Hirschfeldia incana*), puncture vine (*Tribulus terrestris*), Jersey cudweed (*Pseudognaphalium luteoalbum*), and Russian thistle (*Salsola tragus*). In the northern portion of the project site, 2.24 acres of ornamental vegetation was observed, including non-native pines (*Pinus sp.*), eucalyptus (*Eucalyptus sp.*), and queen palms (*Syagrus romanzoffianum*). Also, strawberry tree (*Arbutus unedo*) was detected in the median and eucalyptus also on the east side of the North Coast Highway 101. No special status plants were identified within the Project site (MBI 2021). Based on a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, the survey area has a low potential to support decumbent goldenbush (*Isocoma menziesii*, California Rare Plant Rank 1B.2) and no other special status plant species are expected to occur within the survey area due to a lack of suitable habitat (MBI 2021).

According to MBI (2021), special-status wildlife species were not observed within survey area during the field survey; however, the Project site has potential to support Cooper's hawk (*Accipiter cooperii*), a CDFW Watch List Species, and low potential for both California horned lark (*Eremophila alpestris actia*, CDFW Watch List species) and yellow warbler (*Setophaga petechia*, CDFW Species of Special Concern (SSC)). All remaining special-status wildlife species identified by the CNDDB and IPaC are not expected to occur within the project site due to a lack of suitable habitat (MBI 2021). Regarding California least tern, MBI (2021) stated that, "[t]he California least tern nests in the nearby Batiquitos Lagoon...due to proximity to foraging habitat and the general nesting colony at Batiquitos Lagoon, any prolonged delay in construction between the months of April and September and after the project site has been graded could potentially result in terns investigating the site as a nesting or roosting location."

Migratory Corridors and Linkages: Due to the existing development and very limited amount of ruderal vegetation, the Project site itself is not considered a functional linkage between patches of native habitat. However, due to the proximity of Batiquitos Lagoon and because many avian species migrate along the coast, recommendations are offered to minimize potential bird strikes against reflective structures associated with the proposed development.

Timeframe: The DEIR did not provide start and end dates for Project activities. Construction is proposed to occur in one phase, estimated to last approximately 22 months.

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Scott Vurbef
City of Encinitas
November 8, 2021
Page 4 of 17

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the DEIR.

I. Project Description and Related Impact Shortcoming

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 CDFW or USFWS?

COMMENT #1: California Least Tern

Section 3.3, Page 3.3-19 to 3.3-20

Issue: Direct and indirect impacts to sensitive species may occur as a result of Project construction and subsequent operation. Specifically, California least tern (terns), a CESA-listed Endangered, a California Fully Protected species, and ESA-listed Endangered species, nests annually at Batiquitos Lagoon, less than 0.25 mile away from the Project site, from April to August (Unitt 1984).

Specific impact: Although considered extremely remote, based on information provided by MBI (2021), the possibility of nesting by least terns within the bare ground areas of the Project site should be monitored to ensure no terns may be directly impacted by project activities. Mitigation measure MM-1 may not be sufficient to reduce impacts to this species to below significant.

Additional indirect impacts to California least tern may occur following the completion of the development. Furthermore, predators such as raptors may use the completed development as a perch to hunt California least terns while the nesting colony is present.

Why impact would occur: The DEIR states that no candidate (for threatened or endangered), sensitive, or special-status species were observed on the Project site and concluded that the area has low (nesting) potential to support California least tern (MBI 2021). However, the species is known to occupy cleared lots, including construction sites, in close proximity to foraging habitat (i.e., Batiquitos Lagoon), so there is potential for terns to nest within the Project area once the site has been graded and if human activity remained very low on the site. In such a scenario, there would be potential for least tern nest abandonment resulting from construction activities/noise if nesting does occur on site. Adult abandonment of active nests may lead to starvation or increased predation of chicks, a decline in breeding success, and an overall population decline. As a Fully Protected species, take for California least tern cannot be authorized outside of a finalized NCCP with an Implementing Agreement.

Finally, the California least tern colony at Batiquitos Lagoon is subject annually to large amounts of predation from peregrine falcon (*Falco peregrinus*), red tailed hawk (*Buteo jamaicensis*), and several species of owls (B. Bonesteel, personal communication, December 5, 2016). These species hunt the tern chicks and adults from a high, perched position. CDFW

0-D

Comment Summary:

This comment is introductory and states that the CDFW offers the subsequent comments and recommendations relative to potential impacts that may result with the proposed project.

Response:

The comment does not raise any specific environmental concerns nor address the adequacy of the EIR.

0-E

Comment Summary:

This comment focuses on the potential for the project to result in direct or indirect impacts to California least tern and recommends edits to mitigation measure BIO-1. The comment also recommends adding additional mitigation to reduce light and noise pollution that may indirectly affect habitat and species at Batiquitos Lagoon, as well as including raptor perching deterrents in the project design.

Response:

As documented in the EIR and acknowledged by the commenter, biological surveys determined there is no evidence that California least terns are currently or historically present on the site and that the future possibility of least terns using the site for foraging or nesting is considered "extremely remote." Mitigation measure BIO-1, as included in the Draft EIR, required a pre-construction survey to confirm there are no signs of least terns on the property or immediate surroundings prior to beginning construction. Per recommendations by the commenter, mitigation measure BIO-1 has been amended to strengthen the provisions for least tern protection by requiring monitoring during construction in addition to the pre-construction survey.

0.0 Preface

DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbef
City of Encinitas
November 8, 2021
Page 5 of 17

is concerned that the final development will serve as a perch and enhance predation of the least tern colony.

Evidence impact would be significant: Appendix G of the CEQA Guidelines notes that an impact would be significant if it would have an effect on sensitive species. In addition to being both CESA- and ESA-listed Endangered, California least terns are also Fully Protected under FGC Section 3511(b)(6). A Fully Protected species may not be taken at any time and any impacts to California least terns would be considered significant.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #1:

To reduce impacts to less than significant: CDFW recommends the following amended language in MM1 to adequately survey and monitor for California least tern in the Project area:

'Impacts to California least tern shall be fully avoided. If the Project begins construction occurs during the nesting season (roughly April 1 to September 15), a qualified biologist with expertise monitoring least terns and approved by the Wildlife Agencies, shall conduct a preconstruction presence/absence survey for migratory birds, raptors, and least terns for active nests on the project site and/or signs of least terns (e.g., nesting scrapes and/or nests) in the Project survey area. The qualified biologist shall be on-site during all construction activities shall monitor the project site at least twice weekly between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. If least terns are observed if it is determined that least terns are repeatedly flying over the site during construction hours or roosting on the site, or landing on the site outside of construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may shall be implemented to deter terns from flying over and landing on the site and ensure the Project's impacts on least terns remain less than significant. If California least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist will shall need to be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the Project site for roosting.'

Mitigation Measure #2:

To reduce impacts to less than significant: CDFW recommends that Project features be designed in such a way as to reduce light and noise pollution in the area:

'Project design shall include: reduced, shielded, and/or lighting that is directed away from Batiquitos Lagoon; noise elements which do not exceed 60 A-weighted decibels (one hour weighted) at the nearest edge of Batiquitos Lagoon; signage, barriers or similar features that shall notify and/or preclude human intrusion and off-leash dogs into Batiquitos Lagoon; and avoidance and/or proper use of and minimization of toxic chemicals and wildlife entrapping/endangering products including petroleum products, pesticides, herbicides, rodenticides, plastic netting or net-covered fiber rolls, and similar. All Best Management

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With respect to the potential for indirect impacts to habitat and species at Batiquitos Lagoon via light and noise pollution, the EIR concludes there would be no significant increase in noise levels due to the project and no impacts from project lighting or glare. The City does not see substantiation for additional mitigation in this respect, as there is no evidence of potential for significant impacts. Similarly, the City finds that recommended mitigation in the form of signage, barriers, or other measures to prevent human and pet intrusion into the lagoon is not supported by evidence of a potential for the project to result in such impacts and is thus unwarranted. There are intervening properties, structures, Highway 101, La Costa Avenue, and an active heavy rail line between the site and the lagoon. Off-leash dogs, human disturbance, and introduction of hazardous materials to the lagoon are not currently or historically an issue here.

The City similarly feels the recommended "Mitigation Measure #3" is not warranted given the extremely remote possibility of least terns on the site and the stringent monitoring and impact avoidance measures for least terns contained in the amended mitigation measure BIO-1. Maximum building heights would be approximately 40 feet. The commenter is concerned with the potential for project structures to serve as perches for least tern predators (raptors). Because there is extremely remote probability for least terns to nest or roost on the site in its current state, it is even more speculative to assume that least terns would reside or otherwise make use of the site after it is developed, making such mitigation unnecessary and unwarranted.

DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 6 of 17

Practices and landscaping elements shall also be removed after their useful life or function has ended."

Mitigation Measure #3:

To reduce impacts to less than significant: If the Project is proposing height variances to increase the building heights, there was no discussion on how this might affect California least terns in the DEIR. CDFW recommends providing a thorough discussion as to whether the height of the new buildings will be less than the height of Marea Village. The discussion should include information on perches and roost height for tern predators and how this may impact tern populations. The following mitigation measure should be included in the final EIR:

"Project design shall include perching deterrents in order to reduce the amount of perching and roosting habitat for raptors."

COMMENT #2: Bat Species

Section 3.3, Page 3.3-19 to 3.3-20

Issue: Bat species have potential to roost in trees and structures at or near the Project site (Evelyn et al. 2004) and may be impacted by Project activities.

Specific impact: Project construction activities such as demolition of building structures and removal of trees may have the potential to adversely impact bat populations in the Project area. According to the DEIR on page 82, "[a]ll existing structures on site would be removed. Approximately 10,681 square feet of building area would be demolished, including the small commercial center...and the unoccupied former restaurant building in the northern portion." Based on the biological survey, the DEIR states that, "...no evidence was observed of bats roosting within the trees in the survey area." However, bat presence/absence in the unoccupied building structure was not addressed in their DEIR biological survey results (MBI 2021).

Why impact would occur: The DEIR does not provide a thorough discussion of potential impacts to bats and roosts from Project construction. Measures to avoid, reduce, or mitigate impacts to these species are not present in the DEIR.

Evidence impact would be significant: Construction and operation of the Project has the potential to impact bats, which are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code § 4150, California Code of Regulations § 251.1).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #4:

To reduce impacts to less than significant: CDFW recommends that the following measure be added to the Mitigation, Monitoring, and Reporting Program (MMRP) of the DEIR:

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Comment Summary:

This comment focuses on the potential for the project to result in direct or indirect impacts to bats and recommends additional mitigation to prevent potential impacts.

Response:

The commenter notes that biological surveys conducted as part of the EIR concluded there was no evidence of bats roosting in trees on site, however the avian survey did not examine the abandoned restaurant building on the site for signs of bat use. While potential for bats on site is considered low, mitigation measure BIO-2 has been added to the Final EIR, requiring a pre-construction survey for bats on site, inclusive of vacant structures to be removed.

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0.0 Preface

DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbef
City of Encinitas
November 8, 2021
Page 7 of 17

"Within 72 hours of the commencement of construction activities, a bat survey shall be conducted within all suitable habitat, including building structures proposed to be demolished, in the Project survey area, by a bat biologist that is approved by the Wildlife Agencies. If any California Bat Species of Special Concern are at the site or within the vicinity, then appropriate measures shall be implemented to avoid the bats, including but not limited to: readjusting the work hours, cessation of work, and noise and light reduction."

COMMENT #3: Sensitive Bird Species Impacts

Issue: The DEIR does not have a mitigation measure which adequately avoids or minimizes impacts to nesting migratory birds.

Specific Impact: Batiquitos Lagoon, which lies adjacent to the Project boundary, has the potential to support migratory species in addition to sensitive species. Additional species include California horned lark and yellow warbler. Occurrences of these species have been documented in proximity to the Project site and have the potential to occur within the Project area (CDFW 2020b).

Why impact would occur: Direct impacts to nesting birds may occur from vegetation removal; indirect impacts may occur from vibration, noise, dust, and increased human activity related to construction.

Evidence impact would be significant: In addition to the federal Migratory Bird Treaty Act, the California Fish and Game Code Sections 3503, 3503.5, and 3513 require the avoidance of the incidental loss of eggs or nestlings, or activities that lead to nest abandonment (Fish & G. Code, § 3503, 3503.5, and 3513 *et seq.*).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure #5:

To reduce the level of significance: CDFW recommends an additional mitigation measure be taken to avoid Project impacts to nesting birds other than California least tern. To adequately mitigate for nesting bird impacts, we recommend that the following mitigation measure be incorporated into the MMRP of the DEIR:

"To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing, nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance or minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until

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Comment Summary:

This comment asserts the EIR does not contain adequate mitigation to avoid or minimize impacts to nesting migratory birds. The commenter recommends "Mitigation Measure #5" to "ensure compliance with the Migratory Bird Treaty Act."

Response:

As noted above, mitigation measure BIO-1 has been amended to include requirements for both pre-construction nesting bird surveys as well as avian monitoring during construction. Compliance with the Migratory Bird Treaty Act is always mandatory, whether or not a specific mitigation measure reiterates its legal mandates. Mitigation measure BIO-1, as amended, addresses the comments and concerns raised by the commenter to prevent direct or indirect impacts to nesting birds.

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DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 8 of 17

nesting has been completed. The width of the buffer will be determined by the Project biologist and should consider the ambient levels of development and human activity. Generally buffers should be a minimum of 100 feet from the nest site in all directions for common passerine species, 300 feet from any listed species (e.g., California gnatcatcher), and 500 feet for raptors, until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.

COMMENT #5: Potential Building Design Impacts on Migratory Birds

Issue: Design aspects of the newly proposed apartments and resort hotel appear to include features that pose a risk to migratory birds. Buildings containing large glass panels or windows pose the risk of bird strike, a direct impact to which migratory avian species are particularly susceptible. Although designs that include glass windows and night lighting can pose a risk to birds, impacts can be minimized by incorporating "bird safe" design elements.

Specific impact: Clear glass is invisible to birds and collisions are frequently fatal. The two primary hazards of glass for birds are reflectivity and transparency (San Francisco Planning Department 2011).

Why impact would occur: Batiquitos Lagoon provides high quality habitat along a corridor. The habitat serves both as potential breeding habitat to sensitive avian species, as well foraging habitat and as a refugia for resident and migratory avian species. Avian species perceive reflective and transparent glass as clear airspace, leading to collisions with windows. Interior lighting elements can also contribute to window strikes at night.

Evidence impact would be significant: Annual bird mortality resulting from window collisions in the U.S. is estimated to be between 365-988 million birds (Loss et al. 2014).

Recommendation Regarding Project Description and Related Impact Shortcoming

Recommendation #1:

To minimize significant impacts: Bird strikes, a direct impact to which migratory avian species are particularly susceptible, can be minimized through incorporation of "bird safe" architectural design elements. Purpose-driven elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. The Project area is adjacent to Batiquitos Lagoon which hosts an abundance of sensitive avian species; CDFW therefore recommends that the City incorporate the guidelines described in Standards for Bird Safe Buildings (Ibid.) in the Project's structure designs (San Francisco Planning Department 2011).

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Comment Summary:

This comment expresses concern that "buildings containing large glass panels or windows pose the risk of bird strike, a direct impact to which migratory avian species are particularly susceptible" and recommends minimizing potential for bird strikes through "bird safe" design.

Response:

The project does not contain large expanses of clear glass, includes articulation in building design, and generally would not present the type of mono structure with large glass panels that would be of substantial concern for this type of impact. Nevertheless, the City will consider the recommended "Standards for Bird Safe Buildings" when conducting final project design so potential for bird strikes can be reduced through design where appropriate.

DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 9 of 17

COMMENT #6: Cumulative Impacts

Section 3.3, Page 3.3-6 to 3.3-12

Issue: The DEIR as written does not account for indirect impacts of major construction on the sensitive habitat of nearby public lands, open spaces, adjacent natural habitats, and riparian ecosystems as requested in CDFW's prior comments.

Specific impact: In our Comments on the Notice of Preparation of the Marea Village Mixed Use Development Project Draft EIR to the City of Encinitas (March 15, 2021), CDFW recommended that the DEIR address (1) a discussion regarding indirect Project impacts on biological resources in nearby public lands, open spaces, adjacent natural habitats, and riparian ecosystems; (2) a discussion of potential adverse impacts from lighting, noise, temporary or permanent human activity, and exotic species and identification of any mitigation measures to address these issues; and (3) wetland permitting obligations under Section 1600 *et seq.* of the Fish & G. Code.

Why impact would occur: Construction associated with the Project may indirectly, directly, or cumulatively impact nearby public lands, open spaces, adjacent natural habitats and riparian ecosystems unless mitigation measures are included in the DEIR to avoid, minimize, or mitigate Project impacts.

Evidence impact would be significant: There is not enough discussion present in the DEIR to determine whether indirect, direct, or cumulative impacts would be significant. Additionally, CEQA Guidelines state that cumulative effects must be discussed in the EIR when the Project's incremental effect is cumulatively considerable in light of past, present, and future projects that produce related effects (§15130).

Recommendation Regarding Project Description and Related Impact Shortcoming

Recommendation #2: CDFW recommends that the EIR incorporate discussions as requested in our NOP Comments letter earlier this year, including a discussion of wetland permitting obligations under Section 1600 *et seq.* of the Fish & Game Code.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

0-I

Comment Summary:

This comment asserts the EIR does not contain enough discussion to determine whether indirect, direct, or cumulative impacts would be significant, and recommends the following topics be addressed; 1) project impacts on nearby public lands, open spaces and habitats; 2) impacts from lighting, noise, and human activity; and 3) wetland permitting obligations.

Response:

Direct, indirect, and cumulative impacts are thoroughly addressed in EIR Section 3.3, Biological Resources. It is inferred that the request for more discussion on topics 1 and 2 refers to the project's potential to result in indirect impacts to the nearby Batiquitos Lagoon habitat. The project would have no direct impact to the lagoon and the potential for indirect impacts to the lagoon would be less than significant, as discussed in greater detail in Response to Comment 0-E above. With regard to topic 3, the EIR documents that there are no wetlands on the project site. The project does not propose modifications to, or otherwise affect wetlands either on or off the project site, and thus state and federal wetland permitting obligations do not apply.

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Comment Summary:

This comment states the requirement that any special status species and natural communities detected on the site be submitted to the California Natural Diversity Database (CNDDDB).

Response:

No special status species or natural communities have been detected on the site. Should species or communities be detected in the future as

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DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 10 of 17

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Encinitas in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist at Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David Mayer
Environmental Program Manager
South Coast Region

Attachments

- A. CDFW Comments and Recommendations

ec: CDFW

- David Mayer, San Diego – David.Mayer@wildlife.ca.gov
- Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
- Alison Kalinowski, San Diego – Alison.Kalinowski@wildlife.ca.gov
- Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
- CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
- State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov
- Jonathan Snyder, USFWS – Jonathan.D.Snyder@fws.gov

part of required construction monitoring, records would be submitted to the CNDDDB.

0-K

Comment Summary:

This comment states the requirement for CDFW filing fees upon approval of the project.

Response:

The comment and requirement for filing fees is noted.

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Comment Summary:

This comment includes concluding remarks and contact information.

Response:

The City appreciates CDFW's comments and looks forward to continued collaboration on projects.

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0.0 Preface

DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 11 of 17

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DocuSign Envelope ID: 26B4E87B-B85E-4048-9226-F0B434DFED45

Scott Vurbeff
City of Encinitas
November 8, 2021
Page 12 of 17

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0.0 Preface

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Scott Vurbef
City of Encinitas
November 8, 2021
Page 13 of 17

Attachment A:

CDFW Draft Mitigation Measures and Associated Recommendations

Mitigation Measure #	Mitigation Measure	Timing	Responsible Party
1	<p>Impacts to California least tern shall be fully avoided. If the Project begins construction occurs during the nesting season (roughly-April 1 to September 15), a qualified biologist with expertise monitoring least terns and approved by the Wildlife Agencies, shall conduct a preconstruction presence/absence survey for migratory birds, raptors, and least terns for active nests on the project site and/or signs of least terns (e.g., nesting scrapes and/or nests) in the Project survey area. The qualified biologist shall be on-site during all construction activities shall monitor the project site at least twice weekly between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. If least terns are observed if it is determined that least terns are repeatedly flying over the site during construction hours or roosting on the site, or landing on the site outside of</p>	<p>Prior to and during construction activities.</p>	<p>Encinitas Beach Land Venture, LLC</p>

0-M

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Comment Summary:

This comment presents a summary table of the mitigation measures and recommendations presented in the comment letter.

Response:

The City's incorporation of the commenter's recommendations is reflected in mitigation measure BIO-1, as amended, and the addition of mitigation measure BIO-2. The City's rationale as to the particular provisions added and those taken into consideration but not codified in revised mitigation is presented in the individual responses above.

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Scott Vurbeff
 City of Encinitas
 November 8, 2021
 Page 14 of 17

	<p><i>construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may shall be implemented to deter terns from flying over and landing on the site and ensure the Project's impacts on least terns remain less than significant. If California least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist shall need to be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the Project site for roosting."</i></p>		
Mitigation Measure # 2	<p>Project design shall include: reduced, shielded, and/or lighting that is directed away from the riparian corridor; noise elements which do not exceed 60 A-weighted decibels (one hour weighted) at the nearest edge of Batiquitos Lagoon; signage, barriers or similar features that shall notify and/or preclude human intrusion and off-leash dogs into Batiquitos Lagoon; and avoidance and/or proper use of and minimization of toxic chemicals and wildlife entrapping/endangering</p>	<p>Prior to and during construction activities.</p>	<p>Encinitas Beach Land Venture, LLC</p>

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Scott Vurbeff
City of Encinitas
November 8, 2021
Page 15 of 17

	products including petroleum products, pesticides, herbicides, rodenticides, plastic netting or net-covered fiber rolls, and similar. All Best Management Practices and landscaping elements shall also be removed after their useful life or function has ended		
Mitigation Measure # 3	Project design shall include perching deterrents in order to reduce the amount of perching and roosting habitat for raptors.	Prior to and during construction activities.	Encinitas Beach Land Venture, LLC
Mitigation Measure # 4	Within 72 hours of the commencement of construction activities, a bat survey shall be conducted within all suitable habitat in the Project survey area, by a bat biologist that is approved by the Wildlife Agencies. If any California Bat Species of Special Concern are at the site or within the vicinity, then appropriate measures shall be implemented to avoid the bats, including but not limited to: readjusting the work hours, cessation of work, and noise and light reduction.	Prior to and during construction activities.	Encinitas Beach Land Venture, LLC
Mitigation Measure # 5	To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing, nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified	Prior to and during construction activities.	Encinitas Beach Land Venture, LLC

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Scott Vurbeff
 City of Encinitas
 November 8, 2021
 Page 16 of 17

	<p>biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the Project site. If nesting birds are discovered during preconstruction surveys, then avoidance or minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the Project biologist. Generally buffers should be a minimum of 100 feet from the nest site in all directions for common passerine species, 300 feet from any listed species (e.g., California gnatcatcher), and 500 feet for raptors, until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.</p>		
<p>Recommendation #1</p>	<p>Bird strikes, a direct impact to which migratory avian species are particularly susceptible, can be minimized through incorporation of "bird safe" architectural design elements. Purpose-driven elements such as glazed windows, well-articulated building facades, and minimal nighttime lighting</p>		

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Scott Vurbeff
City of Encinitas
November 8, 2021
Page 17 of 17

	are encouraged to reduce collisions of migratory birds with buildings. Large flat windows, reflective glass, and transparent corners are strongly discouraged. The Project area is adjacent to Batiquitos Lagoon which hosts an abundance of sensitive avian species; CDFW therefore recommends that the City incorporate the guidelines described in Standards for Bird Safe Buildings (Ibid.) in the Project's structure designs (San Francisco Planning Department 2011).		
Recommendation #2	CDFW recommends that the EIR incorporate discussions as requested in our NOP Comments letter earlier this year, including a discussion of wetland permitting obligations under Section 1600 <i>et seq.</i> of the Fish & Game Code.		

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1 CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(323) 895-2594 | FAX (619) 688-4299 TTY 711
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November 9, 2021

11-SD-5
PM 44.232
Marea Village Mixed Use Development
DEIR/SCH#2021020272

Ms. Anna Colamussi
Planning Manager
City of Encinitas
505 S. Volcan Ave.
Encinitas, CA 92024

Dear Ms. Colamussi:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft environmental Impact Report (DEIR) for the Marea Village Mixed Use Development Project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Encinitas in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

"Provide a safe and reliable transportation network that serves all people and respects the environment"

1-A

Comment Summary:

This comment provides an introductory discussion and description of the mission of Caltrans.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

1-A

0.0 Preface

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

"Provide a safe and reliable transportation network that serves all people and respects the environment!"



1-B

Comment Summary:

This comment notes that the project's VMT impacts would be significant and unavoidable, which does not align with the State's VMT and emissions reductions goals. The commenter states that the project's VMT impacts need to be mitigated to a less than significant level. The commenter then provides potential solutions to reduce VMT. This comment suggests reducing the size of the project.

Response:

Refer to **Master Response 4, Vehicle Miles Traveled**. The commenter recommends the size of the project to be reduced to reduce VMT impacts. Potential VMT reductions were analyzed with the project alternatives identified in Section 5.0, Alternatives, of the EIR.

As identified in Section 5.0, Alternatives, of the EIR, **Alternative 3, Reduced Residential/Increased Commercial Alternative**, would result in development of the site at a similar intensity as the proposed project with a reduction in the proposed number of residential units and an increase in the square footage of the proposed commercial uses. Under this alternative, the 34-room boutique hotel would remain. Additionally, Site 1 would be developed with 84 for-lease apartment units, which is the maximum number of dwelling units allowed under the existing zoning and similar to that which would occur with the proposed project. This alternative would remove the 10 dwelling units proposed on Site 2, so no residential uses would be proposed on Site 2. Private open space for the 84 residential units would also be provided as proposed with the project.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate an estimated resident population of 211 persons. Additionally, at an assumed

Ms. Anna Colamussi, Planning Manager
 November 9, 2021
 Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

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To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

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employee demand of 250 SF/employee, the 8,978 SF of additional commercial space would generate an estimated 36 employees above the 62 employees generated with the proposed project. Therefore, commercial development under this alternative would generate an estimated total of 98 employees.

Table 5-3, Project Trip Generation for Alternative 3, of the EIR provides the VMT estimate for this alternative. This alternative would generate a net increase of approximately 1,471 ADT above existing conditions, which is more than the proposed project (1,173 ADT). However, as this alternative would not fall below the ADT screening threshold of 1,000 ADT, a VMT/capita and VMT/employee analysis would be required to address both the residential and commercial uses proposed. Similar to the proposed project, to reduce the VMT/capita and VMT/employee associated with this alternative, VMT reducing measures would need to be implemented. Transportation demand management (TDM) strategies would be implemented as potential mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures identified under mitigation measure TR-1 for the proposed project would be implemented to reduce potential VMT-related impacts; however, even with such mitigation, impacts relative to VMT would remain significant and unavoidable for this alternative, similar to the proposed project.

Although further reduction in the size of the project may reduce VMT impacts, alternative projects may not meet certain primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. For example, if the number of dwelling units were reduced to reduce VMT impacts, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families, since the number of affordable units is based on a percentage of the total dwelling units proposed.

0.0 Preface

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

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As stated above under **Master Response 4, Vehicle Miles Traveled**, the SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project's proposed voluntary employer commute program and the mix of land uses. Other measures, such as the provision of public transportation information and pedestrian linkages (as identified above), are not credited with VMT reductions for CEQA purposes, as those measures cannot be reliably quantified, but would invariably foster further VMT reductions. CAPCOA states that the maximum combined allowable VMT reduction is 15 percent for the types of uses proposed with the project. As the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved. Impacts relative to VMT would therefore remain significant and unavoidable.

1-C

Comment Summary:

The comment suggests the project should implement other transportation improvements that would be comparable to fully mitigating the VMT impact.

Response:

The commenter suggests that the project applicant should consider "implementing other improvements that would be comparable to fully mitigating the VMT impact;" however, no recommendations are provided as to the type of improvements that could feasibly be implemented such that the VMT impact would be "fully mitigated."

The Vehicle Miles Traveled Analysis (LOS Engineering, Inc. 2022; Appendix L-1 of the EIR) was prepared for the project in conformance

Ms. Anna Colamussi, Planning Manager
 November 9, 2021
 Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

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with CEQA regulations and State and local requirements pertaining to reducing potential effects on transportation and GHG emissions relative to VMT. The VMT Analysis demonstrates a good faith effort to identify and implement all feasible mitigation measures available to reduce the project's VMT. Further, in accordance with CEQA Guidelines Section 15126.6(a), the EIR identifies a reasonable range of project alternatives that could feasibly attain the basic project objectives while avoiding or reducing potential impacts (i.e., VMT impacts) associated with the project.

As a result of such efforts, a maximum VMT reduction of 6.4 percent is anticipated, based on the project's proposed voluntary employer commute program and the mixture of land uses. Other measures, such as the provision of public transportation information and pedestrian linkages, are not credited with VMT reductions for CEQA purposes, as those measures cannot be reliably quantified, but would invariably foster further VMT reductions. As the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved. Impacts relative to VMT would therefore remain significant and unavoidable. Refer to Master Response 4, Vehicle Miles Traveled, for further discussion of project-related VMT impacts and reduction measures.

1-D

Comment Summary:

This comment states that the project should achieve full CAPCOA 15 percent VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

0.0 Preface

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

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Response:

Refer to **Master Response 4, Vehicle Miles Traveled**. As stated in Section 3.12, Transportation, of the EIR, while the project is located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types, including "low income" affordable housing; and is consistent with City's General Plan, HEU, Local Coastal Program, Municipal Code, N101SP, CAP, and SANDAG's The Regional Plan, impacts related to VMT/capita and VMT/employee would still exceed 85 percent of the regional average.

Additionally, it is worth noting the limitations of the SANDAG model used to analyze the project and its inability to capture project features that could reduce the proposed project's VMT. SANDAG's Travel Demand Model is built at the regional level, making it too limited to capture the nuances of individual project sites, such as benefits of small-scale mixed uses, affordable housing components, or proposed travel demand management measures that would be provided by the project.

The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project's proposed voluntary employer commute program and the mixed land uses. CAPCOA states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Therefore, as the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved.

To reduce the VMT/capita and VMT/employee associated with the project, TDM strategies are proposed to reduce vehicle trips generated

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 2

between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Impact Study

Per section 3.12 the VMT impact is stated to remain significant and unavoidable. This VMT impact is not in alignment with State VMT and emissions reduction goals. The project's VMT impacts need to be mitigated down to a level considered less than significant. The project needs to investigate additional methods to address this VMT impact. Some potential solutions to analyze are:

- a. Reducing the project size.
- b. Implementing other transportation improvements that would be comparable to fully mitigating the VMT impact.
- c. Achieve the full CAPCOA 15% VMT reductions with additional mitigation measures, and then also add transportation improvements that are comparable to fully mitigating the remaining VMT impact.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local

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and increase the use of alternative travel modes. TDM measures to be implemented and enforced for the project are identified in EIR mitigation measure TR-1. The required mitigation strategies would reduce project VMT, but impacts would remain significant.

1-E

Comment Summary:

This comment states that Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multimodal mobility needs. The comment states that Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Response:

The City likewise looks forward to continuing coordination with Caltrans on implementation of Complete Street measures within the local transportation network. Additionally, as described in the EIR, the proposed project has been designed and coordinated with bicycle and pedestrian improvements planned as part of the North Coast Highway 101 Streetscape Improvement Project (currently under construction).

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

1-F

Comment Summary:

This comment provides a description of smart growth land use policies. The comment states that the City should coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction, as well as coordinating with Caltrans as development proceeds and funds become available to ensure that the capacity of on-/off-ramps is adequate.

0.0 Preface

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 3

vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high speed broadband is a key component in

Provide a safe and reliable transportation network that serves all people and respects the environment

1-F
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1-G

1-H

1-I

Response:

The comments do not raise a specific environmental concern relative to the analysis provided in the EIR. However, the City agrees with the comments provided and recognizes the important link between transportation and land use. The City looks forward to continued coordination with Caltrans as appropriate to address potential issues associated with the transportation network.

1-G

Comment Summary:

This comment provides a description of encroachment permits from Caltrans for work in the agency's right-of-way. The commenter recommends that the project specifically identify and assess potential impacts caused by the project or impacts from mitigation efforts that occur within the Caltrans right-of-way (R/W), to include impacts to the natural environment, infrastructure (highways/roadways/on-and-off-ramps), and appurtenant feature (lighting/signs/guardrail/slopes). The commenter states that Caltrans is interested in any additional mitigation measures identified for the EIR.

Response:

The project does not propose improvements along any roadways under Caltrans' jurisdiction; therefore, no encroachment permits for work within the Caltrans R/W are required. No off-site improvements are proposed or required beyond the immediate vicinity of the project site (i.e., not on roadways or R/W within Caltrans' jurisdiction). The closest R/W under Caltrans' jurisdiction is located at the on-ramps to Interstate 5 at La Costa Avenue (approximately 0.57 miles east of the site). As such, Caltrans is not a Responsible Agency under CEQA for the proposed project as no approvals or permits from the agency are required.

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 3

vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high speed broadband is a key component in

"Provide a safe and reliable transportation network that serves all people and respects the environment"



1-H

Comment Summary:

This comment states that the project should identify and assess "potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping."

Response:

Refer to Response to Comment 1-G above. The proposed project would not result in impacts to the Caltrans' R/W. No further response is required.

1-I

Comment Summary:

This comment states that the availability of affordable and reliable high-speed broadband is a key component in supporting travel demand management and reaching the State's transportation and climate action goals.

Response:

The comments do not raise a specific environmental concern relative to the analysis provided in the EIR. Broadband internet is available in the project area, which would allow future residents of the project to telecommute. As noted previously, such measures (and similarly, the provision of public transportation information and pedestrian linkages, etc.) are not credited with VMT reductions for CEQA purposes as they cannot be reliably quantified. However, it is recognized that such measures would invariably foster further VMT reductions.

0.0 Preface

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 4

supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, IGR Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

SAVANNAH SPEERSTRA
Acting Branch Chief
Local Development and Intergovernmental Review

"Provide a safe and reliable transportation network that serves all people and respects the environment"



1-J

Comment Summary:

This comment states that the perpetuation of survey monuments by a licensed land surveyor is required if monuments are destroyed during construction.

Response:

The project would comply with Business and Profession Code 8771, as applicable. As noted previously, the project does not propose any construction activities or encroachment within Caltrans' R/W, and therefore, the destruction of any survey monuments within Caltrans' R/W would not occur. This comment does not raise any specific environmental concerns relative to the EIR analysis. No further response is required.

1-K

Comment Summary:

This comment states that any work performed within the Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Response:

No such encroachment work within the Caltrans R/W is anticipated by the proposed project because no off-site improvements are proposed or required beyond the immediate vicinity of the project site. Nonetheless, if required, the City and the project applicant would coordinate with Caltrans to obtain the necessary encroachment permits for work in the R/W. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

Ms. Anna Colamussi, Planning Manager
November 9, 2021
Page 4

supporting travel demand management and reaching the state's transportation and climate action goals.

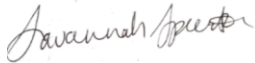
Right-of-Way

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Sincerely,



SAVANNAH SPEERSTRA
Acting Branch Chief
Local Development and Intergovernmental Review



1-L

Comment Summary:

This comment is in summary and provides contact information.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

2 CITY OF CARLSBAD



Nov. 15, 2021

Development Services Department,
City of Encinitas,
505 S. Vulcan Avenue,
Encinitas, CA 92024
Via: acolamussi@encinitasca.gov

RE: City of Carlsbad Comments on the Marea Village Mixed Use Development EIR

To Whom it May Concern,

The City of Carlsbad ("city") appreciates the opportunity to provide comments on the draft Environmental Impact Report ("DEIR") for the Marea Village Mixed Use Development. Thank you for the opportunity to review the projects draft EIR. The City of Carlsbad is interested in maximizing multimodal access throughout Carlsbad and along the coast. Specifically, we offer the following project comments on the [Draft Local Transportation Analysis](#):

1. In addition to the 2,118 driveway vehicular trips per day, the project will also generate significant pedestrian and bicycle traffic to and from the project.
2. With 40% of the vehicular trips accessing the project from the left turn pocket a queuing analysis should be completed for the peak hours to properly size the proposed left turn pocket, or alternative intersection control.
3. The City's concern is if the turn pocket is full or if the approaching vehicle elects to pass the project site and make a U-turn to access the sight via southbound Hwy 101, the nearest northbound U-turn is 1.2 miles to the north at the intersection of Carlsbad Boulevard and Ponto Road.
4. Considering the multimodal and north bound access issues, the City of Carlsbad would also support the roundabout alternative for the driveway improvements included in the Final EIR certified as complete through the City of Encinitas Council Resolution No. 2018-35.

If you have any questions related to these comments please contact Tom Frank, Transportation Director/City Engineer, at Tom.Frank@carlsbadca.gov.

Sincerely,

ERIC LARDY
Principal Planner

cc: Mike Strong, Assistant Director, Community Development
Don Neu, City Planner
Nathan Schmidt, Transportation Planning and Mobility Manager
Scott Donnell, Senior Planner

Community Development Department
1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-2710 t

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2-A

Comment Summary:

This comment provides an introductory discussion and description of the mission of the City of Carlsbad. The comment states that the City of Carlsbad is interested in maximizing multimodal access within Carlsbad and along the coastline. Specific comments on the *Local Transportation Analysis* prepared for the project (LOS Engineering, Inc. 2022; Appendix L-2 of the EIR) are provided in subsequent comments.

Response:

As level of service (LOS) is not given consideration under CEQA, LOS analysis is not addressed in the EIR, and the EIR did not conclude that there would be a significant impact related to LOS. For more information on the LOS analysis, refer to the *Local Transportation Analysis* (EIR Appendix L-2). Although it is not necessary to respond to comments pertaining to LOS in the project's EIR, general information about the LOS study is provided in **Master Response 1, Traffic Level of Service (LOS)**, for the readers' convenience. No further response is required.

2-B

Comment Summary:

This comment states that in addition to the 2,118 driveway vehicular trips per day, the project will generate significant pedestrian and bicycle traffic to and from the project.

Response:

As stated in EIR Section 3.12, Transportation, the project is expected to generate a net increase of 1,173 ADT (over existing conditions) with 85



Nov. 15, 2021

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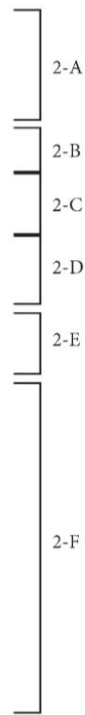
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Sincerely,

ERIC LARDY
Principal Planner

cc: Mike Strong, Assistant Director, Community Development
Don Neu, City Planner
Nathan Schmidt, Transportation Planning and Mobility Manager
Scott Donnell, Senior Planner

Community Development Department
1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-2710 t



trips during the AM peak hour (i.e., morning "rush hour") and 124 trips during the PM peak hour (i.e. "evening rush hour"). As such, the project would not substantially increase existing traffic flows on Highway 101. Refer also to **Master Response 1, Traffic Level of Service (LOS)**, and EIR Appendix L-2, *Local Transportation Analysis* (LOS Engineering, Inc.; 2022) for additional discussion on traffic generation and distribution of project-related traffic along local roadways.

As one of the project objectives is to encourage walking and biking in lieu of driving, the City acknowledges that the project would add to existing pedestrian and bicycle trips along local sidewalks and roadways. The project proposes a mixture of land uses to support residential uses within proximity of available retail and service opportunities, as well as pedestrian connections to public sidewalks, provision of bike parking, a location adjacent to existing public transit (bus route) along North Coast Highway 101, and proximity to other existing residential uses that would allow residents to walk and/or bike to the proposed mixed-use project. Additionally, the goals of the proposed project align with the City of Encinitas' Streetscape Improvement Project by allowing people the opportunity to utilize alternative modes of transportation other than motorized vehicles. Refer to Section 2.0, Project Description, of the EIR for additional discussion. Refer also to **Master Response 2, Safety**, above.

2-C

Comment Summary:

This comment states that a queuing analysis should be completed for the peak hours to properly size the proposed left-turn pocket, or alternative intersection control.

Response:

As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left

0.0 Preface



Nov. 15, 2021

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City of Encinitas,
505 S. Vulcan Avenue,
Encinitas, CA 92024
Via: acolamussi@encinitasca.gov

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4. Considering the multimodal and north bound access issues, the City of Carlsbad would also support the roundabout alternative for the driveway improvements included in the Final EIR certified as complete through the City of Encinitas Council Resolution No. 2018-35.

If you have any questions related to these comments please contact Tom Frank, Transportation Director/City Engineer, at Tom.Frank@carlsbadca.gov.

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1635 Faraday Avenue | Carlsbad, CA 92008 | 760-602-2710 t

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2-B
2-C
2-D
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2-F

turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to Figure 2.0-3B, Conceptual Roundabout Plan, of the EIR. The access drive would lead into the site and provide adequate ingress/egress. All proposed roadway/access improvements for the project have been designed in conformance with City engineering design requirements and are subject to discretionary review and approval. Refer also to EIR Appendix L-2, *Local Transportation Analysis*, which provides an evaluation of traffic effects generated by the project.

2-D

Comment Summary:

This comment states that the City of Carlsbad is concerned with the capacity of the turn pocket and whether approaching vehicles would elect to pass the project site and make a U-turn to access the project site via southbound Highway 101 at the nearest northbound U-turn, which is 1.2 miles to the north at the intersection of Carlsbad Boulevard and Ponto Road.

Response:

Refer to Response to Comment 2-C above. As indicated, the project has been redesigned to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to Figure 2.0-3B, Conceptual Roundabout Plan, of the EIR. A left-turn lane is no longer proposed. Additionally, the scenario provided is subjective and such possible conditions are not required to be evaluated per CEQA.



Nov. 15, 2021

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2-E

Comment Summary:

This comment states that the City of Carlsbad would also support the roundabout alternative for the driveway improvements included in the Final EIR certified as complete through the City of Encinitas Council Resolution No. 2018-35.

Response:

The City understands that the commenter is referring to City of Encinitas City Council Resolution No. 2018-35, which resulted in certification of the North Coast Highway 101 Streetscape Improvement EIR. The Streetscape Improvement EIR included options to construct appropriate traffic controls and traffic-calming measures, such as roundabouts or a full signal, at the North Highway 101/La Costa Avenue intersection.

Access to the subject site would occur further to the south at the proposed two-way entrance drive. The current project does not require or propose any improvements at the intersection of Highway 101 and La Costa Avenue. However, the project has been designed in coordination with the improvements proposed with the Streetscape Improvement Project to ensure compatibility and continuity. Construction of Phase 1 of 2 of the Streetscape Improvement Project is currently underway.

The City acknowledges the comments provided for the record. However, the comments do not raise an issue of environmental concern relative to the adequacy of the EIR. No further response is required.

0.0 Preface



Nov. 15, 2021

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City of Encinitas,
505 S. Vulcan Avenue,
Encinitas, CA 92024
Via: acolamussi@encinitasca.gov

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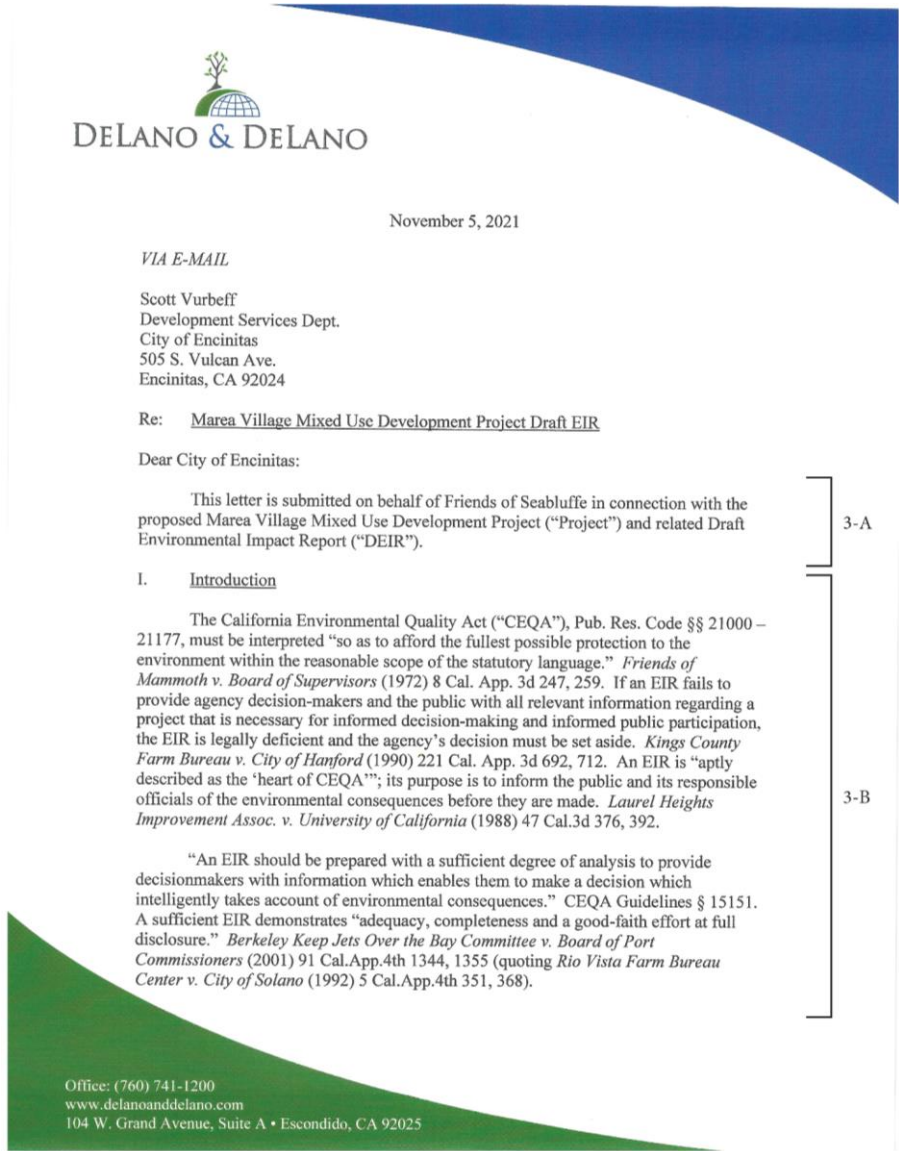
Comment Summary:

This comment is in summary and provides contact information.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

3 FRIENDS OF SEABLUFFE



3-A

Comment Summary:

This comment is introductory and indicates that the letter is being submitted on behalf of the Friends of Seabluffe organization.

Response:

This comment does not raise an environmental issue relative to CEQA, nor does it question the adequacy of the CEQA document. No further response is required.

3-B

Comment Summary:

This comment references CEQA (Public Resources Code Section 21000-21177) in its requirements to provide “the fullest possible protection to the environment within the reasonable scope of the statutory language,” and cites several prior legal cases pertaining to the content and adequacy of an EIR relative to CEQA.

Response:

The information provided does not identify specific concerns or issues relative to the Marea Village Draft EIR. Refer to subsequent comments and responses below for additional discussion.

City of Encinitas
November 5, 2021
Page 2 of 7

II. The DEIR’s Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze aesthetic and land use impacts.

- The DEIR acknowledges the design recommendations found in Chapter 4.0 of the North 101 Corridor Specific Plan (“Specific Plan”), but fails to adequately discuss their application to the Project.
- The Project renderings demonstrate the Project is vastly out of touch with the design guidelines in the Specific Plan. *See* DEIR at 2.0-32 – 37. The design recommendations talk extensively about “break[ing] up building mass and encourag[ing] compatibility between larger and smaller development” and about being “compatible with the ... scale of the surrounding neighborhood.” *See* Specific Plan §§ 4.5 & 4.6. The Project fails to follow these standards, and the DEIR fails to discuss them in relation to the Project’s impacts on aesthetics and land use.
- Figure 3.1-2 of the DEIR identifies the Project Site as within a “Vista Point Critical Viewshed” and immediately adjacent to “Scenic View Corridor and Vista Point Critical Viewshed Areas.” DEIR at 3.1-7. Yet the DEIR fails to consider aesthetic and view impacts associated with these designated areas.
- The DEIR provides only three “key views” yet none of these views look directly into the Project site. *See* DEIR at 3.1-38. Missing from these considerations are views from public vantages along both North Coast Highway 101 and North Vulcan Avenue.
- The DEIR acknowledges the existence of the Specific Plan, but fails to note that it calls for enhanced pedestrian and bicycle facilities, in order to encourage and expand such uses. DEIR at 3.1-18. The DEIR acknowledges the City’s approval of the North Coast Highway 101 Streetscape Improvement Project which ... would enhance the corridor for all users and modes of transportation though streetscape improvements that will include new sidewalks, enhanced crosswalks, landscaped medians, roundabouts, dedicated bike lanes, parking, and public art on North Coast Highway 101 from A Street to La Costa Avenue.” DEIR at 3.1-27. Yet, despite acknowledging the presence of pedestrians and bicyclists, the DEIR reasons that “viewer exposure” to the Project Site would be in the range of 10 to 20 seconds. DEIR at 3.1-9 – 10. This is entirely inconsistent with the lengths of exposures that would be expected for pedestrians and bicyclists, particularly considering the Site’s location and the length of its frontage along North Coast Highway 101.
- The DEIR notes the prior consideration of the Housing Element Update (“HEU”), including the Coastal Commission’s May 31, 2019 evaluation of consistency with the LCP. Among other things, as the DEIR acknowledges, the Commission specifically noted: “future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project’s overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied

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3-G

3-H

3-C

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze aesthetic and land use impacts, specifically with regard to project conformance with the design recommendations of Chapter 4.0 of the North 101 Corridor Specific Plan (N101SP) and Encinitas Municipal Code.

Response:

As discussed in Section 2.0, Project Description, of the EIR, Parcels 1 and 2 are zoned R30 and are therefore subject to the objective design requirements identified in the Encinitas Municipal Code (Section 30.16); only Parcel 3 is located within the boundary of the N101SP, and therefore, subject to the land use and objective design guidelines identified in the specific plan. The entire project site is subject to the City’s discretionary design review process (whether or not a particular site is located within the Specific Plan boundary).

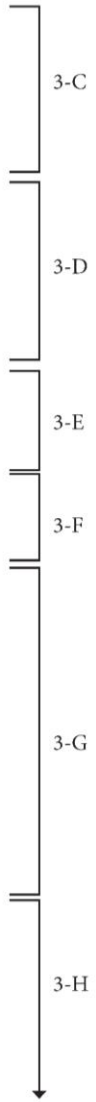
Section 3.1, Aesthetics, of the EIR acknowledges that Chapter 4.0, Design Recommendations, of the N101SP provides specific objective design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the City’s Design Review process to ensure that development occurs in conformance with such guidelines and to reduce potential effects on existing visual resources and community character, as well as to minimize land use conflicts. Section 3.1 of the EIR analyzes whether the project would conflict with applicable zoning and other regulations pertaining to scenic quality, and specifically with regard to the N101SP and Encinitas Municipal Code (see specifically EIR pages 3.1-33 to 3.1-35).

City of Encinitas
 November 5, 2021
 Page 2 of 7

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Additionally, Section 3.9, Land Use and Planning, discusses the applicability of the N101SP and evaluates project conformance with the plan, noting that the project would be subject to the City’s Design Review process to ensure conformance with the goals and policies of the N101SP, including for objective architectural characteristics such as scale and bulk, building height, color, building mass, materials, walls and fences, lighting, and rooflines (see specifically EIR pages 3.9-15 to 3.9-16).

Based on the elevations, architectural and site plans, and other available project documents prepared, the EIR determined that the project would not result in a significant impact relative to aesthetics or land use, nor would the project conflict with the objective design recommendations identified in the N101SP and Encinitas Municipal Code.

Refer also to additional comments and responses below for more specific discussion.

3-D

Comment Summary:

The commenter states the opinion that the project design, as demonstrated by the visual simulations prepared, is in conflict with the objective N101SP design guidelines and that the EIR fails to discuss such guidelines in relation to potential project impacts on aesthetics and land use.

Response:

The project has been designed in accordance with the requirements of the applicable Housing Law and objective Design Standards, General Plan, and zoning regulations for the property. Only Parcel 3 is subject to the N101SP design regulations; Parcels 1 and 2 are zoned R30 Overlay, and therefore, are subject to the design requirements

City of Encinitas
November 5, 2021
Page 2 of 7

II. The DEIR’s Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze aesthetic and land use impacts.

- The DEIR acknowledges the design recommendations found in Chapter 4.0 of the North 101 Corridor Specific Plan (“Specific Plan”), but fails to adequately discuss their application to the Project.
- The Project renderings demonstrate the Project is vastly out of touch with the design guidelines in the Specific Plan. *See* DEIR at 2.0-32 – 37. The design recommendations talk extensively about “break[ing] up building mass and encourag[ing] compatibility between larger and smaller development” and about being “compatible with the ... scale of the surrounding neighborhood.” *See* Specific Plan §§ 4.5 & 4.6. The Project fails to follow these standards, and the DEIR fails to discuss them in relation to the Project’s impacts on aesthetics and land use.
- Figure 3.1-2 of the DEIR identifies the Project Site as within a “Vista Point Critical Viewshed” and immediately adjacent to “Scenic View Corridor and Vista Point Critical Viewshed Areas.” DEIR at 3.1-7. Yet the DEIR fails to consider aesthetic and view impacts associated with these designated areas.
- The DEIR provides only three “key views” yet none of these views look directly into the Project site. *See* DEIR at 3.1-38. Missing from these considerations are views from public vantages along both North Coast Highway 101 and North Vulcan Avenue.
- The DEIR acknowledges the existence of the Specific Plan, but fails to note that it calls for enhanced pedestrian and bicycle facilities, in order to encourage and expand such uses. DEIR at 3.1-18. The DEIR acknowledges the City’s approval of the North Coast Highway 101 Streetscape Improvement Project which ... would enhance the corridor for all users and modes of transportation though streetscape improvements that will include new sidewalks, enhanced crosswalks, landscaped medians, roundabouts, dedicated bike lanes, parking, and public art on North Coast Highway 101 from A Street to La Costa Avenue.” DEIR at 3.1-27. Yet, despite acknowledging the presence of pedestrians and bicyclists, the DEIR reasons that “viewer exposure” to the Project Site would be in the range of 10 to 20 seconds. DEIR at 3.1-9 – 10. This is entirely inconsistent with the lengths of exposures that would be expected for pedestrians and bicyclists, particularly considering the Site’s location and the length of its frontage along North Coast Highway 101.
- The DEIR notes the prior consideration of the Housing Element Update (“HEU”), including the Coastal Commission’s May 31, 2019 evaluation of consistency with the LCP. Among other things, as the DEIR acknowledges, the Commission specifically noted: “future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project’s overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied

3-C

3-D

3-E

3-F

3-G

3-H

identified in the Encinitas Municipal Code for that zone. An increase in maximum height and story limits for specific buildings proposed (as allowed by the density bonus incentive), is requested with the project.

Additionally, the project provides a mixed-use environment, offering a combination of smaller and larger structures on-site, varying in square footage, height, and appearance, to accommodate the various uses proposed. Section 3.1, Aesthetics, of the EIR specifically notes that the mixed-use commercial square footage would be provided in six individual buildings, thereby reducing overall visual bulk and massing, to allow for the creation of public plazas and gathering spaces along the street edge to draw people into the interior of the development. Further, consistent with the N101SP and Encinitas Municipal Code, the project has been designed to reflect an architectural diversity and the unique character along North Coast Highway 101. The buildings would integrate varying colors, materials, and architectural styles and would be respectful of the existing setting of the Leucadia community, thus maintaining the visual quality and scenic views along the Highway 101 corridor. Buildings along the street frontage would range in height from one to three stories, contributing to the overall visual character of the streetscape and pedestrian scale along Highway 101; refer to Section 3.1, Aesthetics, of the EIR for additional discussion. The project is consistent with the objective design guidelines as identified in the EIR and Encinitas Municipal Code, as applicable.

3-E

Comment Summary:

The commenter refers to EIR Figure 3.1-2, Scenic Resources, which identifies the project site as being in a Vista Point Critical Viewshed and immediately adjacent to a Scenic View Corridor and Vista Point Critical Viewshed Area. The commenter states the opinion that the EIR “fails to

City of Encinitas
 November 5, 2021
 Page 2 of 7

II. The DEIR’s Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze aesthetic and land use impacts.

- The DEIR acknowledges the design recommendations found in Chapter 4.0 of the North 101 Corridor Specific Plan (“Specific Plan”), but fails to adequately discuss their application to the Project.
- The Project renderings demonstrate the Project is vastly out of touch with the design guidelines in the Specific Plan. *See* DEIR at 2.0-32 – 37. The design recommendations talk extensively about “break[ing] up building mass and encourag[ing] compatibility between larger and smaller development” and about being “compatible with the ... scale of the surrounding neighborhood.” *See* Specific Plan §§ 4.5 & 4.6. The Project fails to follow these standards, and the DEIR fails to discuss them in relation to the Project’s impacts on aesthetics and land use.
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- The DEIR provides only three “key views” yet none of these views look directly into the Project site. *See* DEIR at 3.1-38. Missing from these considerations are views from public vantages along both North Coast Highway 101 and North Vulcan Avenue.
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- The DEIR notes the prior consideration of the Housing Element Update (“HEU”), including the Coastal Commission’s May 31, 2019 evaluation of consistency with the LCP. Among other things, as the DEIR acknowledges, the Commission specifically noted: “future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project’s overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied

3-C

3-D

3-E

3-F

3-G

3-H

consider aesthetic and view impacts associated with these designated areas.”

Response:

The discussion in Section 3.1, Aesthetics, of the EIR provides an in-depth analysis of potential project effects on existing scenic resources along the Highway 101 corridor, relative to the project site. Section 3.1 includes a background discussion on the various designations that apply to the site (Scenic/Visual Corridor Overlay Zone, Critical Viewshed, Coastal Overlay Zone, etc.). Consistent with the CEQA thresholds considered, the EIR provides an evaluation of whether the project would adversely affect a scenic vista, including vista points and viewsheds, or state scenic highways, and of project conformance with relative zoning and other regulations pertaining to scenic quality. The EIR considers potential aesthetic and view impacts associated with the Scenic View Corridor and Vista Point Critical Viewshed Area designations, and evaluates the visual simulations prepared to illustrate the project’s potential effects on such resources. Based on such analysis, the EIR determined that no significant impacts to such resources would occur with project implementation. Refer to Section 3.1, Aesthetics, for additional discussion.

3-F

Comment Summary:

The commenter states the opinion that the three key views (visual simulations) included in the EIR do not provide direct views into the project site and suggests that public views from North Coast Highway 101 and North Vulcan Avenue should be considered.

Response:

The visual simulations were prepared to allow evaluation of whether the project would result in a substantial adverse effect on

0.0 Preface

City of Encinitas
November 5, 2021
Page 2 of 7

II. The DEIR’s Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze aesthetic and land use impacts.

- The DEIR acknowledges the design recommendations found in Chapter 4.0 of the North 101 Corridor Specific Plan (“Specific Plan”), but fails to adequately discuss their application to the Project.
- The Project renderings demonstrate the Project is vastly out of touch with the design guidelines in the Specific Plan. *See* DEIR at 2.0-32 – 37. The design recommendations talk extensively about “break[ing] up building mass and encourag[ing] compatibility between larger and smaller development” and about being “compatible with the ... scale of the surrounding neighborhood.” *See* Specific Plan §§ 4.5 & 4.6. The Project fails to follow these standards, and the DEIR fails to discuss them in relation to the Project’s impacts on aesthetics and land use.
- Figure 3.1-2 of the DEIR identifies the Project Site as within a “Vista Point Critical Viewshed” and immediately adjacent to “Scenic View Corridor and Vista Point Critical Viewshed Areas.” DEIR at 3.1-7. Yet the DEIR fails to consider aesthetic and view impacts associated with these designated areas.
- The DEIR provides only three “key views” yet none of these views look directly into the Project site. *See* DEIR at 3.1-38. Missing from these considerations are views from public vantages along both North Coast Highway 101 and North Vulcan Avenue.
- The DEIR acknowledges the existence of the Specific Plan, but fails to note that it calls for enhanced pedestrian and bicycle facilities, in order to encourage and expand such uses. DEIR at 3.1-18. The DEIR acknowledges the City’s approval of the North Coast Highway 101 Streetscape Improvement Project which ... would enhance the corridor for all users and modes of transportation though streetscape improvements that will include new sidewalks, enhanced crosswalks, landscaped medians, roundabouts, dedicated bike lanes, parking, and public art on North Coast Highway 101 from A Street to La Costa Avenue.” DEIR at 3.1-27. Yet, despite acknowledging the presence of pedestrians and bicyclists, the DEIR reasons that “viewer exposure” to the Project Site would be in the range of 10 to 20 seconds. DEIR at 3.1-9 – 10. This is entirely inconsistent with the lengths of exposures that would be expected for pedestrians and bicyclists, particularly considering the Site’s location and the length of its frontage along North Coast Highway 101.
- The DEIR notes the prior consideration of the Housing Element Update (“HEU”), including the Coastal Commission’s May 31, 2019 evaluation of consistency with the LCP. Among other things, as the DEIR acknowledges, the Commission specifically noted: “future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project’s overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied

3-C

3-D

3-E

3-F

3-G

3-H

aesthetic/scenic resources from public vantage points. As travelers along Highway 101 would be the main viewer group (passengers in vehicles, pedestrians, and bicyclists), the visual simulations were prepared to evaluate such potential views into the site from this public roadway. The vantage points from which the visual simulations were prepared are intended to represent the points where the majority of the development would be seen. Only at one moment in time would a traveler be looking directly into the site; rather, views would be anticipated to consist of an extended perspective along the length of the project site, varying as one travels north or south along the highway. As such, the visual simulations are considered to provide an appropriate perspective that would be experienced at project buildout, including proposed landscaping that may influence (or restrict) potential views from the roadway.

Although views to the proposed development from North Vulcan Avenue may occur, the majority of public views would be experienced from Highway 101, which is considered to be a more sensitive viewing location and is designated as a scenic corridor. Further, views to the site from North Vulcan Avenue would be reduced due to elevational differences between this roadway and the subject property, intervening landscaping (existing and proposed) and topography, parking of vehicles along Highway 101, and vehicles traveling along the roadway. Therefore, the visual simulations were prepared to illustrate potential public views that would be experienced from the Highway 101 corridor.

3-G

Comment Summary:

The commenter states the EIR fails to note that the N101SP calls for enhanced pedestrian and bicycle facilities. The commenter also questions the stated length of exposure for pedestrians and bicyclists

City of Encinitas
November 5, 2021
Page 2 of 7

II. The DEIR's Discussion of Project Impacts is Deficient

The DEIR fails to adequately analyze aesthetic and land use impacts.

- The DEIR acknowledges the design recommendations found in Chapter 4.0 of the North 101 Corridor Specific Plan ("Specific Plan"), but fails to adequately discuss their application to the Project.
- The Project renderings demonstrate the Project is vastly out of touch with the design guidelines in the Specific Plan. *See* DEIR at 2.0-32 – 37. The design recommendations talk extensively about "break[ing] up building mass and encourag[ing] compatibility between larger and smaller development" and about being "compatible with the ... scale of the surrounding neighborhood." *See* Specific Plan §§ 4.5 & 4.6. The Project fails to follow these standards, and the DEIR fails to discuss them in relation to the Project's impacts on aesthetics and land use.
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- The DEIR notes the prior consideration of the Housing Element Update ("HEU"), including the Coastal Commission's May 31, 2019 evaluation of consistency with the LCP. Among other things, as the DEIR acknowledges, the Commission specifically noted: "future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied

3-C

3-D

3-E

3-F

3-G

3-H

experiencing views to the site from the project's frontage along Highway 101.

Response:

The R30 Overlay zone applies to Parcels 1 and 2 which are therefore subject to the objective design requirements identified in the Encinitas Municipal Code for that zone; Parcel 3 is zoned N-CRM-1 and is the only project parcel located within the boundaries of the N101SP.

As discussed in Section 3.1, Aesthetics, and elsewhere in the EIR, the City's North Coast Highway 101 Streetscape Improvement Project proposes improvements along Highway 101 to enhance and facilitate pedestrian and bicyclist activity and provide a safer environment in which to travel via such modes. As described in Section 2.0, Project Description, and elsewhere in the EIR, the project has been designed with consideration for such improvements already approved (and currently under construction) for the North Coast Highway 101 Streetscape Improvement Project—in particular, along the Highway 101 frontage where the project would abut such planned public improvements. The Streetscape Improvement Project proposes to increase the bicycle facilities available along the corridor with added and dedicated bike lanes, as well as increasing walkability through expanded sidewalks, pedestrian facilities, and safe pedestrian crossings. The project has been designed to ensure that no conflicts with such improvements would occur. Likewise, the project aesthetic impact analysis has taken into account the improvements that would occur with the Streetscape Improvements Project, detailing views along Highway 101 where viewers will take advantage of such improvements. Additionally, the proposed project would provide pedestrian paseos and walkways on-site as well as connection to off-site sidewalks and other uses (i.e., hotel adjacent to the north). Therefore, the project would support enhanced bicycle and pedestrian

City of Encinitas
November 5, 2021
Page 2 of 7

II. The DEIR’s Discussion of Project Impacts is Deficient

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3-C

3-D

3-E

3-F

3-G

3-H

facilities along the corridor, consistent with the intent of the N101SP and Encinitas Municipal Code.

Additionally, as discussed in Section 3.1, Aesthetics, of the EIR, the length of viewer exposure to the proposed improvements would be influenced by viewer location, viewing angle, direction (north- or southbound) and speed of travel, viewer awareness, and existing and proposed landscaping. The potential viewer exposure is intended to provide an estimate of how long project elements may be experienced by those traveling past the site. As evaluated in the EIR, the anticipated viewer exposure is one component considered in determining whether the project would have an adverse effect on aesthetic resources. Although shorter or longer views of project elements may be experienced as bicyclists or pedestrians look to the development, the length of viewer exposure itself does not alone affect whether existing public views would be substantially changed or whether adverse effects on scenic resources would occur. Further, such travelers would experience changing views of the various on-site elements proposed as one travels along the length of the project’s frontage on Highway 101. As indicated in the EIR, the proposed project has been designed in conformance with applicable zoning and land use regulations, as well as plans and policies relative to design, and a finding of less than significant was concluded.

3-H

Comment Summary:

The commenter notes that the EIR acknowledges prior consideration of the HEU, including the California Coastal Commission’s evaluation, relative to consistency with the Local Coastal Program. The commenter also states the opinion that the EIR analysis is insufficient in analyzing whether the project as designed would have an impact on scenic resources with respect to specific visual factors such as height, scale,

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



bulk, mass, etc. and that the EIR needs to consider such issues now, not “jump to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations.”

Response:

Section 3.1, Aesthetics, and Section 3.9, Land Use and Planning, of the EIR identify the plans and regulations that apply to the project site and discuss how such regulations are intended to guide future development to ensure protection of the City’s scenic resources and compatibility with the character of surrounding land uses. Project compliance with such plans, including the LCP, LUP, and General Plan, and design regulations is considered in evaluating potential impacts of the project on the existing visual character of the site and its surroundings, public views, and scenic resources. Such discussions address the proposed design approach relative to bulk, scale, mass, height, architectural design, and grading, as appropriate. Additionally, as stated, the project is subject to the City’s Design Review approval to ensure that the project conforms to all relevant measures adopted to protect the City’s scenic resources over the long term and ensure compatibility with the character of existing development along the Highway 101 corridor and the surrounding community. The conclusions that the project would have a less than significant impact on aesthetics/visual resources are fully supported by the evaluations provided.

3-I

Comment Summary:

The commenter states that the project proposes building heights that exceed those allowed by the applicable zone and that the EIR fails to consider restrictions generated by Proposition A, which addresses building heights within the City of Encinitas.

0.0 Preface

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
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- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



Response:

Comments unrelated to significant environmental issues do not require a response. The comment does not raise a potential significant impact. Proposition A (City of Encinitas Voter Approval for Zoning/Planning Amendments) was approved on July 18, 2013, by City of Encinitas voters and requires voter approval for any major changes to City planning policy documents. Planning policy documents include the Land Use Element of the General Plan, Land Use Policy Maps of the General Plan, Zoning Code, Zoning Map, any specific plan, and development agreements. Proposition A also required a public vote to allow the City to make any exception to a Citywide building height limit of 30 feet or 2 stories.

The entire project site is considered a Density Bonus site, subject to the requirements of SB 330. Therefore, the project is eligible for certain incentives (e.g., increase in maximum building height and number of stories with approved incentives).

The maximum building height limits identified as part of Proposition A (30 feet in height or 2 stories) are only applicable to Parcel 3 which is zoned N-CRM-1. Proposition A does not apply to maximum height limits on Parcels 1 and 2 which are subject to the R30 Overlay zone in the City’s Municipal Code. Per Section 30.16.010B6.a. of the Municipal Code, R30 Overlay zone sites are allowed a total of 3 stories and a maximum height of 35 feet for flat roofs and 39 feet for pitched roofs. Additionally, requirements under the R30 zone supersede Proposition A; therefore, the project is not inconsistent with such requirements.

Under the State Density Bonus Law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots. As analyzed in Section 3.9, Land Use and Planning, of the EIR, although incentives are requested to increase the maximum allowed building height of two buildings to 40 feet 6 inches (or 10.5 feet above

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

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- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

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- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



that allowed within the Coastal Zone) and the maximum number of stories from 2 to 3 for one structure proposed with the development, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor. Additionally, density bonus provisions are outlined under State Government Code Section 65915; legally, a local initiative cannot supersede State law. Under the allowed Density Bonus Law, the increase in maximum building stories (limited to Building 1 on Parcel 3) and increase in building height requested for Parcel 3 (limited to Buildings 1 and 2) and Parcel 2 (limited to Buildings 4 and 6) is allowed with approval of the requested incentives, and therefore, the project is consistent with the R30 Overlay zone in the Municipal Code.

As stated, the project is subject to the City’s Design Review process to ensure that the architectural style and character of the proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource. Therefore, relative to CEQA, project inconsistency with Proposition A 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, and impacts would be less than significant.

3-J

Comment Summary:

The commenter asserts the EIR fails to adequately address potential impacts related to air quality, in particular, the potential for combined emissions generated by the overlapping of project construction and operational phases.

0.0 Preface

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



Response:

As stated in EIR Section 3.2, Air Quality, project construction would occur in one phase, projected to last approximately 16.5 months. Therefore, there is no expected overlap of construction and operational emissions. Table 2.0-5, Anticipated Construction Schedule, of the EIR provides the estimated project construction schedule.

The analysis in the EIR, as well as the *Air Quality Technical Memorandum* (Michael Baker International 2022; EIR Appendix B) prepared for the project, provides evaluation of potential emissions generated by the anticipated construction and operational phases of the project. As shown in Section 3.2, Air Quality, of the EIR, adopted SDAPCD significance thresholds for construction and operation are the same. However, construction emissions are considered short term and temporary, while operational emissions would occur over the anticipated life of the project (i.e., long term and generated over years). Further, pollutant emissions may differ in source between the construction and operational phases; fugitive dust and heavy equipment exhaust are largely generated during construction, while emissions associated with operations are generally associated with vehicle emissions, as well as energy use (e.g., natural gas), water and wastewater, landscaping maintenance, consumer products use (e.g., household cleaners, automotive products), and architectural coatings use for maintenance purposes. Therefore, although no overlap is expected between the project construction and operational phases, such emissions generated are evaluated independently to ensure that actual emissions being generated by each project phase are fully and accurately disclosed in the analysis. Moreover, even if construction and operational emissions were combined (EIR Table 3.2-5 and Table 3.2-6), emissions would not exceed the SDAPCD thresholds and air quality impacts would remain less than significant.

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



3-K

Comment Summary:

The commenter states the opinion that the EIR identifies emissions associated with vehicle trips yet fails to account for how such trips were calculated.

Response:

As stated in Section 3.2, Air Quality, of the EIR, the EIR analysis was based on technical data presented in the *Air Quality Technical Memorandum* prepared by Michael Baker International (2022; EIR Appendix B) and *Local Transportation Analysis (LTA)*, prepared by LOS Engineering, Inc. (2022; EIR Appendix L-2). Refer also to Table 3.2-6, Long-Term Operational Air Emissions, Footnote #3, which specifically states: “The mobile source emissions were calculated using the trip generation data provided in the LOS Engineering, Inc., *City of Encinitas Marea Village Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, 2022b.*” However, it should be noted that references to the LTA report date in the section were in error and have been corrected in the Final EIR where appropriate to instead reference the LTA as updated May 2022 by LOS Engineering, Inc; refer to Section 3.2, Air Quality, of the Final EIR. The analysis in Section 3.2, Air Quality, of the EIR incorporates relevant data from the May 2022 LTA accordingly and remains accurate in this regard.

Based on the LTA, typical daily project activities are forecast to generate a net increase of 1,173 ADT (above existing conditions), including 85 trips during the AM peak hour and 124 trips during the PM peak hour. Project-generated vehicle emissions were estimated using CalEEMod 2020.4.0. The resultant human health impacts from the project’s short-term construction and long-term operational air emissions were analyzed, as well as the potential for carbon monoxide

0.0 Preface

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



hotspot impacts and health impacts to sensitive receptors from exposure to toxic air contaminants.

3-L

Comment Summary:

The commenter states that the EIR indicates project consistency with the HEU “land use and zoning designations” yet proposes to exceed the overall number of housing units anticipated by the HEU.

Response:

Mandated by State housing law, the purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the City’s housing supply. 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”).

As stated in Section 2.0, Project Description, of the EIR, Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre (DU/acre). No change to the existing General Plan land use or zoning designations is required to allow for the project as proposed. The proposed 94 residential units therefore meet the allotted minimum unit count as identified in the HEU and allowed by the existing zoning.

For Site 1, the 3.0-acre (gross) property would yield a maximum of 30 DU/acre or 90 DUs as allowed by existing zoning. With the allowed density bonus of 35 percent (or 31 DUs), this would allow for a

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



maximum of 121 DUs. A total of 84 DUs are proposed for Site 1 (with 20 percent, or 17 units, as low-income affordable housing units). For Site 2, the 0.80-acre (gross) property would yield a maximum of 30 DU/acre or 20 DUs as allowed by existing zoning. With the allowed density bonus of 35 percent (27 units), the project as proposed would be provided at a density consistent with the existing zoning and with State density bonus allowances.

Though the project is consistent with the HEU, an inconsistency with the HEU does not necessarily constitute a significant environmental impact (see *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695). The commenter fails to identify a significant environmental impact.

Additionally, as part of the HEU, the City provided a revised housing forecast to SANDAG. As analyzed in the EIR, the project as proposed with 94 residential units is considered consistent with the City’s General Plan, Municipal Code, Local Coastal Program, Housing Element, Zoning Ordinance, and N101SP and would therefore not result in unplanned growth, as detailed in the HEU.

3-M

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze potential impacts relative to GHG emissions. Specifically, the commenter refers to how project construction emissions were calculated and cites a prior legal case.

Response:

As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, because impacts from construction activities occur over a relatively short-term period, they contribute a relatively minimal portion of the overall lifetime project GHG emissions. To adequately

0.0 Preface

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



include GHG emissions from construction in the lifetime/operational GHG estimates, construction emissions are typically quantified and amortized over 30 years, which is the number of years considered to represent the life of a project. Construction GHG emissions were amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years), then added to the annual average operational emissions. This is done as a matter of industry standard for evaluating GHG emissions, as promulgated in modeling guidelines prepared by the air quality agencies (e.g., South Coast Air Quality Management District Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Thresholds Manual; ([http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf)).

Following this guidance, the HEU Environmental Assessment similarly amortized construction emissions. (HEU Environmental Assessment, p. 4.6-5 to 4.6-6). Thus, the methodology utilized to analyze potential GHG impacts in the EIR and technical study is considered in conformance with industry standards and defensible relative to CEQA.

Moreover, the construction emissions are included in the calculation of total project annual emissions and analyzed as an efficiency metric (MTCO₂e/year per service population). As shown in EIR Table 3.5-5, the total amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,701.33 MTCO₂e/year. With the emission reductions from on-site solar panels and EV charging stations, as well as residential natural gas use per City Ordinance 2021-13, the project related GHG emissions would total 1,364.42 MTCO₂e/year. The project would increase population by 236 residents and employment by 38 employees (net increase from 24 employees for the existing uses to 62 employees for the proposed project minus 24 employees for the existing uses), totaling 274 service population. As such, the project would generate GHG emissions of approximately 4.98 MTCO₂e per year per service

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

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- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

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 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



population, which would exceed the significance threshold of 2.7 MTCO₂e per year per service population from the City’s CAP.

Therefore, the impact would be potentially significant and mitigation would be required. Mitigation measure GHG-1 is proposed to require the project applicant to purchase and retire a total of 18,739 MTCO₂e GHG offsets to reduce the project’s GHG emissions to 2.7 MTCO₂e per year per service population (NOTE: emissions in exceedance of City’s threshold multiplied by the project service population multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required for the project). With implementation of mitigation measure GHG-1, the project would not exceed the GHG emissions threshold from the City’s CAP, and the impact would be reduced to less than significant with mitigation incorporated. Therefore, all project-related GHG emissions are appropriately analyzed and mitigated. No further response is required.

3-N

Comment Summary:

The commenter questions the method used for calculating baseline traffic trips generated by the existing on-site (unoccupied) restaurant and whether claiming such emissions from an unoccupied use as part of the baseline misstates the total amount of project emissions.

Response:

Following public comment on the Draft EIR, the existing baseline used for the project was revised to better reflect operating conditions of the on-site uses. The updated methodology in the *Local Transportation Analysis* (LOS Engineering, Inc. 2022; Appendix L-2 of the EIR) reconsiders the former (now abandoned) restaurant, recognizing that the use is no longer generating trips, and therefore, should not be included in the existing trips calculated to be on Highway 101 (“pass-by trips per SANDAG rates”).

0.0 Preface

City of Encinitas
November 5, 2021
Page 3 of 7

as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed.” DEIR at 3.1-22 – 23 & 3.9-11 – 13. The time to consider such issues is now, since a “development on the site is formally proposed,” yet the DEIR merely jumps to the unsupported conclusion that impacts will be less than significant without any such analysis or considerations. DEIR at 3.1-23 & 3.9-12 – 13.

- The DEIR notes the Project seeks to build above height limits, but fails to discuss voter-passed Proposition A, which provides specific height limits in the City. See DEIR at 3.9-13 – 14.

The DEIR fails to adequately analyze impacts to air quality.

- The DEIR fails to analyze the combined emissions of construction and operational emissions, despite the fact they could occur at the same time.
- The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
- The DEIR claims the Project is consistent with the HEU “land use and zoning designations.” DEIR at 3.2-12. But the Project goes beyond the number of housing units anticipated by the HEU.

The DEIR fails to adequately analyze greenhouse gas emission impacts.

- The DEIR averages construction emissions over the life of the Project. DEIR at 3.5-20. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. See *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The DEIR acknowledges that “the existing restaurant is currently unoccupied,” but asserts that “trips generated by the restaurant were accounted for in the existing conditions model” DEIR at 3.5-16. The California Supreme Court has ruled that “the baseline for CEQA analysis must be the “existing physical conditions in the affected area,” that is, the ‘real conditions on the ground,’ rather than the level of development or activity that could or should have been present” *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (citations omitted) (emphases in original). Claiming those emissions from an unoccupied establishment are part of the baseline misstates the total amount of emissions from the Project.
- Mitigation Measure GHG-1 is invalid under CEQA for several reasons. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467. Among other things:
 - While GHG-1 parrots certain language found in the Health and Safety Code, it is insufficient and incomplete. “[I]t is not enough that the



The revised analysis instead identifies the existing uses to be removed from the site as the fast-food restaurant and the specialty retail/strip commercial uses, and eliminates the former restaurant from such uses. As such, the trip credit taken for existing use and primary and diverted trips has been revised, equating to a net increase of 1,173 ADT above existing conditions (as compared to 1,122 ADT as previously analyzed in the Draft EIR), with 85 trips during the AM peak hour and 124 trips during the PM peak hour. Thus, under the revised analysis, the project would not substantially increase existing area traffic flows, similar to that previously determined in the EIR.

3-O

Comment Summary:

The commenter states the opinion that mitigation measure GHG-1 is invalid under CEQA, in that not only should the registry be CARB-approved, but also the protocol itself.

Response:

The project proposes mitigation (mitigation measure GHG-1) that would reduce project emissions. The amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,701.33 metric tons carbon dioxide equivalent per year (MTCO₂e/year). With emission reductions applied, project related GHG emissions would total 1,364.42 MTCO₂e/year. The project would generate GHG emissions of approximately 4.98 MTCO₂e per year per service population, which would exceed the significance threshold of 2.7 MTCO₂e per year per service population from the City’s CAP. Therefore, the impact would be potentially significant and mitigation is required.

Based on public comments received on the EIR, mitigation measure GHG-1 has been revised to require the project applicant to purchase

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
- Additionally, the City “has no enforcement authority in another state, much less in a foreign country.” *Id.* at 513.
 - Furthermore, “GHG emission reductions must be additional ‘to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that would otherwise occur.’” *Id.* at 513 – 14 (quoting Health and Safety Code § 38562(d)(2) (emphasis in original). GHG-1 fails to provide such.
 - And GHG-1 defers analysis and is impermissibly vague. It provides for “verification by a City-approved third party” and claims several things “would likely result in GHG emissions that are lower than the levels presented in this memorandum” DEIR at 3.5-22. As the Court noted in *Golden Door*, deferred mitigation is illegal under CEQA: “achieving that goal depends on implementing unspecified and undefined offset protocols, occurring in unspecified locations (including foreign countries), the specifics of which are deferred to those meeting one person’s subjective satisfaction.” 50 Cal.App.5th at 520; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (“Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment”).
 - The DEIR relies upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
 - The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
 - The DEIR identifies requirements in the City’s Climate Action Plan, but fails to analyze specifically whether and how the Project will actually implement those requirements.
- The DEIR fails to adequately analyze impacts to soils and geology.
- The DEIR acknowledges “the site is in an area considered to be generally susceptible to landsliding.” DEIR at 3.6-15. It also acknowledges “the adjacency of the site to the coastal bluffs to the west.” *Id.* at 3.6-17. Yet it fails



and retire a total of 18,739 MTCO₂e GHG offsets to reduce the project’s GHG emissions to 2.7 MTCO₂e per year per service population (NOTE: emissions in exceedance of City’s threshold multiplied by the project service population multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required for the project). With implementation of mitigation measure GHG-1, the project would not exceed the GHG emissions threshold from the City’s CAP, and the impact would be reduced to less than significant.

Mitigation measure GHG-1 has been further revised to state that the GHG offsets shall be secured from an accredited registry that is approved by the California Air Resources Board (CARB), or from an emissions reduction credits program that is administered by CARB; secured from an accredited registry that uses a CARB-approved protocol which meets the requirements of California Code of Regulations, Title 17, §95972(a); and, real, permanent, quantifiable, verifiable, additional, and enforceable as those terms are defined in Health & Safety Code §38562(d)(1) and (2) and California Code of Regulations, Title 17, §95802. Additionally, mitigation measure GHG-1 has been revised to address geographic location, indicating that carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority: (1) off-site within the neighborhood surrounding the project site, including Encinitas; (2) the greater North County community; (3) within the San Diego County Air Basin; (4) the State of California; and (5) the United States. For offset credits from projects outside the State of California, the applicant shall demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations for ensuring the validity of offset credits. Refer to Section 3.5, Energy Conservation and Climate Change, of the Final EIR, pages 3.5-22 to 3.5-23, for the revised measure.

0.0 Preface

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
- Additionally, the City “has no enforcement authority in another state, much less in a foreign country.” *Id.* at 513.
 - Furthermore, “GHG emission reductions must be additional ‘to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that would otherwise occur.’” *Id.* at 513 – 14 (quoting Health and Safety Code § 38562(d)(2) (emphasis in original). GHG-1 fails to provide such.
 - And GHG-1 defers analysis and is impermissibly vague. It provides for “verification by a City-approved third party” and claims several things “would likely result in GHG emissions that are lower than the levels presented in this memorandum” DEIR at 3.5-22. As the Court noted in *Golden Door*, deferred mitigation is illegal under CEQA: “achieving that goal depends on implementing unspecified and undefined offset protocols, occurring in unspecified locations (including foreign countries), the specifics of which are deferred to those meeting one person’s subjective satisfaction.” 50 Cal.App.5th at 520; *see also Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (“Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment”).
 - The DEIR relies upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
 - The DEIR identifies emissions associated with vehicle trips, yet fails to account for how these trips were calculated.
 - The DEIR identifies requirements in the City’s Climate Action Plan, but fails to analyze specifically whether and how the Project will actually implement those requirements.
- The DEIR fails to adequately analyze impacts to soils and geology.
- The DEIR acknowledges “the site is in an area considered to be generally susceptible to landsliding.” DEIR at 3.6-15. It also acknowledges “the adjacency of the site to the coastal bluffs to the west.” *Id.* at 3.6-17. Yet it fails



The mitigation measure would be enforceable via implementation of the adopted Mitigation Monitoring and Reporting Program to ensure that the project does not exceed the GHG emissions threshold from the City’s CAP and that project impacts would be reduced to less than significant.

3-P

Comment Summary:

The commenter states the opinion that the City has no enforcement in another state or another country (relative to GHG emissions).

Response:

Refer to Response to Comment 3-O, above.

3-Q

Comment Summary:

The commenter states that “GHG emission reductions must be additional to any GHG emission reduction otherwise required by law or regulation,” and that the proposed mitigation measure GHG-1 fails to provide such.

Response:

Refer to Response to Comment 3-O, above. As stated, mitigation measure GHG-1 has been revised, based on public comment received, to require the project applicant to purchase and retire a total of 18,739 MTCO_{2e} GHG offsets to reduce the project’s GHG emissions to 2.7 MTCO_{2e} per year per service population (NOTE: emissions in exceedance of City’s threshold multiplied by the project service

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
- Additionally, the City “has no enforcement authority in another state, much less in a foreign country.” *Id.* at 513.
 - Furthermore, “GHG emission reductions must be additional ‘to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that would otherwise occur.’” *Id.* at 513 – 14 (quoting Health and Safety Code § 38562(d)(2) (emphasis in original). GHG-1 fails to provide such.
 - And GHG-1 defers analysis and is impermissibly vague. It provides for “verification by a City-approved third party” and claims several things “would likely result in GHG emissions that are lower than the levels presented in this memorandum” DEIR at 3.5-22. As the Court noted in *Golden Door*, deferred mitigation is illegal under CEQA: “achieving that goal depends on implementing unspecified and undefined offset protocols, occurring in unspecified locations (including foreign countries), the specifics of which are deferred to those meeting one person’s subjective satisfaction.” 50 Cal.App.5th at 520; *see also Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (“Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA’s goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment”).
 - The DEIR relies upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
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population multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required for the project). With implementation of mitigation measure GHG-1, the project would not exceed the GHG emissions threshold from the City’s CAP, and the impact would be reduced to less than significant. The required mitigation measure is in fact additive to reductions otherwise required through energy efficiency mandates of California and the City of Encinitas, and VMT reductions required of mitigation measure TR-1.

3-R

Comment Summary:

The commenter states the opinion that mitigation measure GHG-1 in the EIR “defers analysis and is impermissibly vague.”

Response:

Refer to Response to Comment 3-O, above. The proposed mitigation (see revised mitigation measure GHG-1; EIR Section 3.2, Energy Conservation and Climate Change) is specific in that it requires the project applicant to demonstrate purchase of and retire GHG offsets to reduce the project’s GHG emissions level to 2.7 MTCO₂e per service population per year, consistent with the performance standards and requirements identified. As stated in the mitigation measure, the GHG offsets shall be real, permanent, quantifiable, verifiable, enforceable, and additional. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation compliance prior to any allowed occupancy of the proposed uses. Therefore, the mitigation as proposed is not considered to “defer analysis” or to be “vague” as the measure would be implemented and enforceable, and occupancy of the proposed uses would not occur without demonstration that the requirements as set forth in the mitigation measure to reduce project GHG emissions have indeed been met.

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
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- The DEIR relies upon measures adopted by the State in order to meet its goals. But as the California Supreme Court has noted, such reliance is insufficient to ensure compliance – “That a project is designed to meet high building efficiency and conservation standards, for example, does not establish that its greenhouse gas emissions from transportation activities lack significant impacts.” *Center for Biological Diversity v. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229.
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- The DEIR acknowledges “the site is in an area considered to be generally susceptible to landsliding.” DEIR at 3.6-15. It also acknowledges “the adjacency of the site to the coastal bluffs to the west.” *Id.* at 3.6-17. Yet it fails



3-S

Comment Summary:

The commenter states that the EIR relies upon measures adopted by the State in order to meet GHG emission reduction goals, but that “such reliance is insufficient to ensure compliance.”

Response:

Refer to Response to Comment 3-R, above. The project does not rely on State-adopted measures alone to ensure compliance. Rather, as noted in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 229, compliance with statewide regulations and measures reduces impacts governed by such regulations. The project’s GHG emissions have been assessed against qualitative and quantitative thresholds. Thus, all project-generated GHG emissions have been modeled and disclosed in EIR Section 3.5, Energy Conservation and Climate Change and Appendix E. The project will mitigate all impacts to reduce the project’s GHG emissions level to 2.7 MTCO₂e per service population per year.

3-T

Comment Summary:

The commenter states that the EIR fails to account for how trips were calculated for emissions generated by project vehicle trips.

Response:

Refer to Response to Comment 3-N above. As stated in Section 3.2, Air Quality, of the EIR, the EIR analysis was based on technical data presented in the *Air Quality Technical Memorandum* prepared by Michael Baker International (2022; EIR Appendix B) and *Local Transportation Analysis*, prepared by LOS Engineering, Inc. (2022; EIR Appendix L-2). Based on the LTA, typical daily project activities are

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
- Additionally, the City “has no enforcement authority in another state, much less in a foreign country.” *Id.* at 513.
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forecast to generate a net increase of 1,173 average daily trips over existing conditions, including 85 trips during the AM peak hour and 124 trips during the PM peak hour. Project-generated vehicle emissions were estimated using CalEEMod which is considered the industry standard for calculating project vehicle trips. As such, analysis in the EIR is sufficient and modifications are not necessary. No further response is required.

3-U

Comment Summary:

The commenter states that the EIR fails to analyze how and whether the project will implement the requirements of the City’s Climate Action Plan (CAP).

Response:

The City’s CAP was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, “as part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, only the following strategies are applicable to the project:

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

City of Encinitas
November 5, 2021
Page 4 of 7

- registry be CARB-approved. Equally important, the protocol itself must be CARB-approved.” *Id.* at 511 – 12. GHG-1 does not ensure such.
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- The DEIR acknowledges “the site is in an area considered to be generally susceptible to landsliding.” DEIR at 3.6-15. It also acknowledges “the adjacency of the site to the coastal bluffs to the west.” *Id.* at 3.6-17. Yet it fails



As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, the project would comply with energy efficiency and renewable energy goals and policies identified in the City’s CAP and General Plan, as listed in Table 3.5-8, Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan, and Table 3.5-9, Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan. The project would also comply with the most recent versions of Title 24 and CALGreen efficiency standards, which will ensure the project incorporates photovoltaic solar panels, energy-efficient windows, insulation, lighting, ventilation systems, and water-efficient fixtures, as well as green building standards.

Additionally, the project proposes mitigation (mitigation measure GHG-1) that would reduce project emissions. The amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,701.33 metric tons carbon dioxide equivalent per year (MTCO₂e/year). With emission reductions applied, project related GHG emissions would total 1,364.42 MTCO₂e/year. The project would generate GHG emissions of approximately 4.98 MTCO₂e per year per service population, which would exceed the significance threshold of 2.7 MTCO₂e per year per service population from the City’s CAP.

Therefore, the impact would be potentially significant and mitigation is required. Mitigation measure GHG-1 is proposed to require the project applicant to purchase and retire a total of 18,739 MTCO₂e GHG offsets to reduce the project’s GHG emissions to 2.7 MTCO₂e per year per service population (NOTE: emissions in exceedance of City’s threshold multiplied by the project service population multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required for the project). With implementation of mitigation measure GHG-1, the project would not exceed the GHG emissions threshold from the City’s CAP, and the impact would be reduced to less than significant.

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have led to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

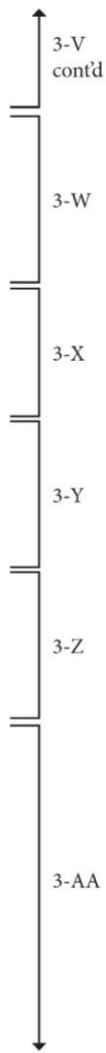
- The DEIR discusses potentially significant construction and operational noise impacts but chooses to assume they would be less than significant by using an hourly average. But the temporary nature of a noise impact does not make it insignificant. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81.
- Furthermore, even where the DEIR discusses mitigation, that mitigation is insufficient. *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”).

The DEIR fails to adequately analyze traffic impacts.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.12-13 – 14. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

The DEIR fails to adequately analyze impacts to utilities and service systems.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.14-15. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.
- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted).



3-V

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze impacts on soils and geology, specifically with regard to other recent landslide events in the area or how the project might contribute to or worsen such conditions.

Response:

As discussed in Section 3.6, Geology and Soils, of the EIR, the *Update to the Revised Report - Geotechnical Investigation, Leucadia Mixed-Use 1900-1950 North Coast Highway*, prepared by NOVA (2021) for the project, indicates that geologic reconnaissance and review of aerial photography indicated no evidence of active or dormant landsliding. While mapping indicates that the project site is in an area considered to be ‘generally susceptible’ to landslide activity, the potential for landslide hazard is considered ‘negligible’ for the subject property and the surrounding areas due to shallow existing ground slopes and proposed grades at the project site. As such, the proposed development would not contribute to bluff instability or otherwise result in or exacerbate potential for geotechnical hazards. Impacts would be less than significant.

3-W

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze noise impacts in that it uses an hourly average to determine that construction and operational impacts would be less than significant, and that the temporary nature of a noise impact does not make it insignificant.

0.0 Preface

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have lead to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

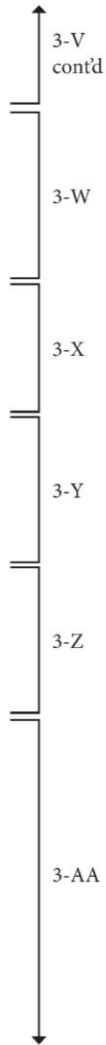
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- Furthermore, even where the DEIR discusses mitigation, that mitigation is insufficient. *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”).

The DEIR fails to adequately analyze traffic impacts.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.12-13 – 14. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

The DEIR fails to adequately analyze impacts to utilities and service systems.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.14-15. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.
- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted).



Response:

As discussed in Section 3.10, Noise, of the EIR, the project was analyzed for the potential to result in construction noise and/or operational noise impacts using the City’s adopted noise thresholds as provided in the City Zoning Ordinance (Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards) which establishes property line noise level limits.

The cited case law referred to a project where the EIR did not consider the brief, but noisy, effects of jets flying overhead which was a direct result of the project. In that scenario, it would be inappropriate to average the noise levels as it wouldn’t represent the true nature and character of the noise impact. Those conditions do not apply here as there are no unique or instantaneously loud and consistent noise sources associated with the project. Thus, the hourly average and thresholds defined by the City are appropriate.

As stated in the EIR, noise levels in maximum sound levels (L_{max}) identified are the highest individual sound occurring at an individual time period. The L_{max} levels were converted to L_{eq} levels based on the acoustical use factor of each equipment, as L_{eq} levels are more representative of the noise levels averaged over time. Although construction noise may exceed the 75 dBA L_{eq} threshold at any given moment, the fraction of use for the types of construction equipment would range from 16 percent to 50 percent over the course of a construction day and in different areas on the property at varying distances from the property boundary; therefore, the rate and duration of individual or cumulative equipment noise in exceedance of the 75 dBA threshold would be variable and intermittent in duration throughout the day. Therefore, such construction activities would not continuously sustain or exceed the 75 dBA over the course of an 8-hour period.

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have lead to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

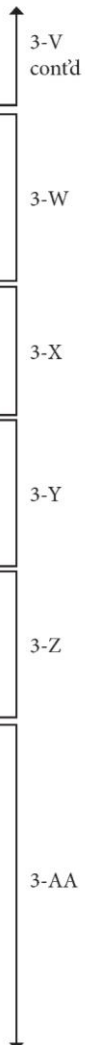
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The DEIR fails to adequately analyze traffic impacts.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.12-13 – 14. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

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- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.14-15. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.
- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted).



Additionally, the applicant would be required to prepare a Construction Noise Control Plan and comply with City’s Noise Ordinance requirements as a condition of project approval. Because the project would be required to demonstrate compliance with the City’s Noise Ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City’s 75 dBA significance threshold continuously over the course of an 8-hour period, the impact of temporary construction noise would be less than significant. This methodology is consistent with accepted City standards.

Similarly, methodologies used to determine project operational noise effects specific to off-site mobile noise, mechanical equipment, parking lots, and outdoor areas are consistent with accepted City standards. Operational noise levels were determined to be below established thresholds and no significant impacts were identified.

3-X

Comment Summary:

The commenter states the opinion that the EIR identifies insufficient mitigation measures to reduce noise impacts and that there is no evidence to support that mitigation proposed would be effectively monitored and “vigorously enforced.”

Response:

Mitigation required is limited to mitigation measure NOI-1, which would be implemented to reduce potential construction noise impacts. Per CEQA requirements, all project mitigation measures identified would be included in the Mitigation Monitoring and Reporting Program (MMRP), to be prepared, adopted, and enforced by the City in conformance with CEQA Guidelines Section 15097, Mitigation Monitoring or Reporting, and Public Resources Code (PRC) Section

0.0 Preface

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have lead to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

- The DEIR discusses potentially significant construction and operational noise impacts but chooses to assume they would be less than significant by using an hourly average. But the temporary nature of a noise impact does not make it insignificant. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81.
- Furthermore, even where the DEIR discusses mitigation, that mitigation is insufficient. *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”).

The DEIR fails to adequately analyze traffic impacts.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.12-13 – 14. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

The DEIR fails to adequately analyze impacts to utilities and service systems.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.14-15. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.
- There is an inadequate showing of water supply for the Project. The California Supreme Court recently identified three “principles for analytical adequacy under CEQA”: (1) “CEQA’s informational purposes are not satisfied by an EIR that simply ignores or assumes a solution to a problem of supplying water to a proposed land use project”; (2) “an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years”; and (3) “the future water supplies identified and analyzed must bear a likelihood of actually proving available An EIR for a land use project must address the impacts of likely future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 – 32 (emphasis in original) (citations omitted).

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18.04, CEQA Mitigation Monitoring. The commenter provides no substantiation to support the claim that mitigation for the project may not be monitored and enforced.

The commenter cites *Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 for the proposition that "there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced." In *Citizens for Responsible and Open Government*, the mitigated negative declaration did not provide mitigation measures specific to the noise impacts in question (excessively noisy air conditioners). (*Id.*, pp. 1340-41). In this context, the court found there were no measures required to ensure the City’s noise standard would be monitored and enforced. (*Id.*, p. 1341). In contrast, mitigation measure NOI-1 is specific to the impact (vibration during construction) and requires (among other things) that the project to utilize a vibration *monitoring* system and adjust the vibration settings of equipment to ensure vibration levels do not exceed the applicable 0.2 inch-per-second PPV threshold at the residential buildings to the west. As noted in the HEU Environmental Assessment, the applicable FTA Transit Noise and Vibration Assessment Manual standard, which informs mitigation measure NOI-1, is generally considered conservative, including for sustained pile driving (see HEU Environmental Assessment, p. 4.10-8 to 4.10-9). Therefore, impacts are likely to be less than noted in EIR Table 3.10-9, will be adequately monitored, and where required, sufficiently mitigated.

3-Y

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze traffic impacts and that the EIR characterizes an existing use

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have lead to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

- The DEIR discusses potentially significant construction and operational noise impacts but chooses to assume they would be less than significant by using an hourly average. But the temporary nature of a noise impact does not make it insignificant. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81.
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The DEIR fails to adequately analyze traffic impacts.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.12-13 – 14. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.

The DEIR fails to adequately analyze impacts to utilities and service systems.

- The DEIR again characterizes as “existing” uses that no longer exist on the Site. DEIR at 3.14-15. This results in an incorrect baseline and skews the analysis. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321.
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that no longer exists on the property, thus creating an incorrect baseline and skewing the analysis.

Response:

Following public comment on the Draft EIR, the existing baseline used for the project was revised to better reflect operating conditions of the on-site uses. The updated methodology in the *Local Transportation Analysis* (LOS Engineering, Inc. 2022; Appendix L-2 of the EIR) reconsiders the former (now abandoned) restaurant, recognizing that the use is no longer generating trips, and therefore, should not be included in the existing trips calculated to be on Highway 101 (“pass-by trips per SANDAG rates”). The revised analysis instead identifies the existing uses to be removed from the site as the fast-food restaurant and the specialty retail/strip commercial uses, and eliminates the former restaurant from such uses. As such, the trip credit taken for existing use and primary and diverted trips has been revised, equating to a net increase of 1,173 ADT above existing conditions (as compared to 1,122 ADT as previously analyzed in the Draft EIR), with 85 trips during the AM peak hour and 124 trips during the PM peak hour. Thus, under the revised analysis, the project would not substantially increase existing area traffic flows, similar to that previously determined in the EIR.

3-Z

Comment Summary:

The commenter states the opinion that the EIR fails to adequately analyze impacts to utilities and service systems by including existing uses that are no longer operating on the site, thereby creating an inaccurate baseline and skewing the analysis.

0.0 Preface

City of Encinitas
November 5, 2021
Page 5 of 7

to discuss or consider recent landslide events in the area that have lead to injury and death and how the Project might contribute to or worsen those conditions.

The DEIR fails to adequately analyze noise impacts.

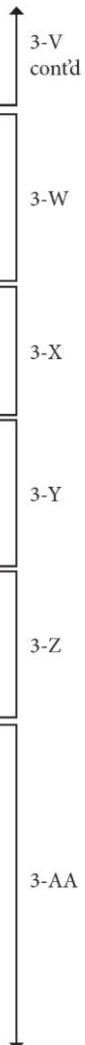
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Response:

As indicated in Section 3.14, Utilities and Service Systems, of the EIR, the respective service providers have indicated that existing utilities are adequate to serve the project as proposed. The ability to serve the site is based on the commercial square footage and number of residential units proposed, not existing land uses or associated vehicle trips. The analysis provided in the EIR is therefore considered to be adequate and appropriate in evaluating impacts to utilities and service systems; no change to the EIR is required or proposed. Additionally, as the site has been previously developed, the site is currently served by existing utility systems; no inadequacies in such services occur under present conditions.

3-AA

Comment Summary:

The commenter states the opinion that the EIR does not adequately state water supplies for the proposed project, and that CEQA requires an EIR to “include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability.”

Response:

Section 3.14, Utilities and Service Systems, of the EIR provides an analysis of water supplies available to serve the project as proposed. Historical water consumption data for the project site was provided in the *Preliminary Water Supply Summary* prepared by the San Dieguito Water District (SDWD); the SDWD also provided a *Project Facility Availability Form (Water)*, indicating that it can adequately provide water service for the next five years.

According to the SDWD’s Urban Water Management Plan (UWMP), single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. The SDWD anticipates no reduction of

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges "significant and unavoidable" impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

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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 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. As shown in EIR Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, of the EIR, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

As indicated in Section 3.14, Utilities and Service Systems, of the EIR, the project would increase existing water demands on-site from an estimated 2,266 gallons per day (gpd) to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's UWMP, the overall system of the SDWD is adequately sized to accommodate planned buildout under the City's adopted General Plan. The SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed is consistent with future development as anticipated by the SDWD and by the City and for the subject site. In addition, the City's HEU Environmental Assessment found no construction or expansion of water facilities would be required in conjunction with the proposed additional housing units and

0.0 Preface

City of Encinitas
November 5, 2021
Page 6 of 7

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III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a “substantive mandate” that agencies refrain from approving a project with significant environmental effects if “there are feasible alternatives or mitigation measures” that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.” *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges “significant and unavoidable” impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

“Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project’s impact on the environment, the agency’s approval of the proposed project followed meaningful consideration of alternatives.” *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

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Comment Summary:

The commenter cites case law and various provisions of the PRC and CEQA in summarizing CEQA’s “substantive mandate” that the City consider and “adopt feasible mitigation and alternatives that can lessen or avoid the significant project impacts.”

Response:

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of all feasible mitigation measures. The environmental effects of the proposed project on various aspects of the environment are discussed in detail in Section 3.0 of the EIR. Based on the analysis provided in the EIR, all significant environmental impacts can be mitigated to less than significant levels with the exception of impact TR-1 related to VMT. Refer to **Master Response 4, Vehicle Miles Traveled**, for additional discussion. As stated, the SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project’s proposed voluntary employer commute program and the mixed land uses. CAPCOA states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Therefore, as the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85% of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved.

To reduce the VMT/capita and VMT/employee associated with the project, TDM strategies are proposed to reduce vehicle trips generated and increase the use of alternative travel modes. TDM measures to be implemented and enforced for the project are identified in EIR

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges "significant and unavoidable" impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

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mitigation measure TR-1. While implementation of the proposed TDM strategies identified would not reduce the VMT impact to below a level of significance, it would provide some level of VMT reduction.

Section 5.0, Alternatives, of the EIR identifies seven project alternatives, four of which were fully evaluated and three of which were considered and rejected as infeasible. Consistent with Section 15126.6(a) of the CEQA Guidelines, the alternatives identified are considered to represent a range of development alternatives that could feasibly attain the basic project objectives while avoiding or reducing at least one significant impact as compared to the project as proposed; however, as noted, those alternatives that would allow for physical development of the subject property (with exception of Alternative 2, No Project/Reasonably Foreseeable Development Alternative) would not be able to reduce the project impact relative to VMT, and such impacts would remain significant and unavoidable.

3-AC

Comment Summary:

The commenter states that the EIR identifies significant and unavoidable impacts relative to VMT as well as potentially significant cumulatively considerable impacts, yet fails to discuss or consider feasible mitigation to address such impacts.

Response:

Contrary to the assertion, the EIR thoroughly considered a wide range of potential mitigation strategies and detailed the extent of feasible mitigation with supporting documentation on measures that are not feasible or otherwise would not reduce the VMT impact to a less than significant level. Section 3.12, Transportation, of the EIR evaluates potential cumulative effects of the project relative to VMT. As stated, although mitigation measure TR-1 would be implemented to reduce

0.0 Preface

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

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the project's VMT, VMT would remain above established thresholds, resulting in a significant and unavoidable impact; such impacts are also considered to be cumulatively considerable. As described under EIR Impact 3.12-2, the SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project's proposed voluntary employer commute program and the mix of land uses. Other measures, such as the provision of public transportation information and pedestrian linkages (as identified above), are not credited with VMT reductions for CEQA purposes, as those measures cannot be reliably quantified, but would invariably foster further VMT reductions. The commenter does not propose any additional VMT mitigation measures for consideration.

CAPCOA, which provides guidance on how to quantify VMT-reducing measures, states that the maximum combined allowable VMT reduction is 15 percent for this type of project. Since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see EIR Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved.

To reduce the VMT/capita and VMT/employee associated with the project to a less than significant level, VMT-reducing measures would need to be implemented. Therefore, TDM strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure TR-1; however, as noted in the cumulative analysis in Section 3.12, Transportation, of the EIR, project-level and cumulative impacts would remain significant and unavoidable.

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges "significant and unavoidable" impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

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The EIR identifies significant and unavoidable impacts relative to VMT, as well as potentially significant cumulatively considerable impacts, and discusses why there is no feasible mitigation to reduce the impact to a less than significant level. The analysis provided in the EIR is considered adequate, and no change to the EIR is required or proposed in response to the comments provided.

3-AD

Comment Summary:

The commenter states that, per CEQA, the public agency is required to demonstrate the "meaningful consideration of alternatives," but that the EIR "fails entirely to consider and analyze alternatives that would actually reduce or eliminate" the significant impacts identified. Specifically, the commenter states that the Reduced Footprint Alternative would eliminate significant impacts and meet project objectives, yet the EIR fails to provide evidence as to how or why this alternative is infeasible.

Response:

Refer to Response to Comment 3-AB, above, regarding the consideration of feasible project alternatives.

The commenter states the opinion that the Reduced Footprint Alternative would eliminate significant impacts and meet project objectives, yet the EIR fails to provide evidence as to how or why this alternative is infeasible. As discussed in Section 5.0, Alternatives, of the EIR, this alternative would have a similar footprint and area of disturbance as the proposed project, and impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise,

0.0 Preface

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges "significant and unavoidable" impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

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and tribal cultural resources would also be similar. With implementation of enhanced measures, this alternative would reduce VMT impacts compared to the proposed project; however, impacts would remain significant and unavoidable as with the proposed project and therefore, this alternative would not be environmentally superior relative to GHG. As this alternative would support the similar uses and components as the proposed project, this alternative would also meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and state density bonus allowances.

However, an incentive would be requested with this alternative to increase the height of Building 2 from 2 stories to 3 stories. With Building 2 constructed as a 3-story building, this alternative would increase the number of proposed 3-story buildings fronting directly onto Highway 101. This alternative would therefore not meet the objective of minimizing visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.

Contrary to the commenter's assertion, this alternative was not rejected as infeasible in the Draft EIR. All project alternatives per CEQA, by definition, must be feasible.

3-AE

Comment Summary:

The commenter states that the project objectives are too narrowly defined to allow for consideration of alternatives to the project and cites a prior legal case.

City of Encinitas
November 5, 2021
Page 6 of 7

The DEIR fails to comply with these mandates, particularly in light of recent severe water shortages throughout the State.

III. The DEIR's Discussion of Mitigation and Alternatives is Deficient

CEQA contains a "substantive mandate" that agencies refrain from approving a project with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects." *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR is required to consider and the City is required to adopt feasible mitigation and alternatives that can lessen or avoid the significant Project impacts. *City of Marina v. Board of Trustees of the California State Univ.* (2006) 2006 39 Cal.4th 341, 360; see also CEQA Guidelines § 15126.6(b).

The DEIR acknowledges "significant and unavoidable" impacts to VMT. DEIR at 3.12-16. The DEIR also acknowledges cumulatively considerable impacts. *Id.* at 3.12-21. Yet the DEIR fails to discuss or consider feasible mitigation to address such impacts.

"Under CEQA, the public agency bears the burden of demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives." *Pesticide Action Network v. California Dept. of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 247. As noted above, the DEIR identifies significant impacts. Yet it fails entirely to consider and analyze alternatives that would actually reduce or eliminate those impacts. "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines § 15126.6(b) (emphasis added).

The DEIR acknowledges the reduced footprint alternative would eliminate significant impacts and meet Project objectives. DEIR at 5.0-22. Yet it fails to provide any evidence as to how or why this alternative is infeasible.

Furthermore, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1455.

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Response:

As identified in Section 15124(b) of the CEQA Guidelines, the project description is required to contain a statement of objectives that includes the underlying purpose of the proposed project. The City has broad discretion to formulate project objectives (*California Oak Found. v Regents of Univ. of Cal.* (2010) 188 CA4th 227, 276 ["CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives"]). The proposed project objectives are identified in Section 2.0, Project Description, of the EIR and include 13 objectives addressing various issues. As stated, the project is intended to create a pedestrian-oriented development that provides a mixture of land use types; offer community services and passive recreational activities; and create opportunities for attainably priced residential rental housing across various income groups in conformance with the City's 2013-2021 Housing Element (Fifth Cycle), among other objectives.

The project objectives inform the consideration and formulation of a reasonable range of alternatives to evaluate in the EIR and aid the decision makers in preparing findings or a statement of overriding considerations. The project objectives as identified in Section 2.0, Project Description, allow for consideration of a reasonable range of project alternatives (refer also to Response to Comment 3-AB, above, which notes that a total of seven project alternatives were identified; four project alternatives were evaluated for potential environmental effects, and three were considered and rejected from further evaluation due to their being infeasible). The commenter has provided no specifics as to why they feel the project objectives are defined too narrowly. No change to the EIR is required or proposed in response to the comments provided.

0.0 Preface

City of Encinitas
November 5, 2021
Page 7 of 7

IV. The DEIR Should be Recirculated

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion

For the foregoing reasons, Friends of Seabluffe Association urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

3-AF
3-AG

3-AF

Comment Summary:

The commenter states the opinion that the EIR is deficient and should be revised to address the issues identified in the comment letter and the document recirculated.

Response:

If significant new information is added to an EIR after notice of public review, but before final certification of the EIR, the lead agency must recirculate the EIR for comments and consultation. (Pub. Res. Code §21092.1; 14 Cal Code Regs §15088.5). Recirculation is generally required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted (14 Cal Code Regs §15088.5(a); *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 Cal. 4th 1112). However, recirculation of an EIR is intended to be the exception, not the rule (Id., at p. 1132; *Environmental Council of Sacramento v County of Sacramento* (2020) 45 CA5th 1020, 1034).

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the

City of Encinitas
November 5, 2021
Page 7 of 7

IV. The DEIR Should be Recirculated

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion

For the foregoing reasons, Friends of Seabluffe Association urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

3-AF

3-AG

significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).

(14 Cal Code Regs §15088.5).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. (*Id.*).

As demonstrated in the above responses, the commenter's assertions that the EIR is insufficient and requires recirculation are not substantiated by facts. The EIR properly evaluates all environmental impact areas, including project alternatives and identification of appropriate mitigation measures to reduce potential impacts. Revisions to the EIR in response to comments are limited to clarifications and make insignificant modifications. The EIR has been revised to reflect the existing baseline based on public comments received on the EIR. Refer to Section 3.12, Transportation, and the *Local Transportation Analysis* (LOS Engineering, Inc., updated 2022; Appendix L-2) of the Final EIR for such text revisions. Based on such revisions, the project is expected to generate a net increase of 1,173 ADT above existing conditions (as compared to 1,122 ADT as analyzed in the Draft EIR), with 85 trips during the AM peak hour and 124 trips during the PM peak hour and would not substantially increase existing area traffic flows.

Such increases would not result in a substantial increase in the severity of VMT impacts or GHG emissions. The increase in GHG emissions would be fully mitigated pursuant to mitigation measure GHG-1.

0.0 Preface

City of Encinitas
November 5, 2021
Page 7 of 7

IV. The DEIR Should be Recirculated

The DEIR is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

V. Conclusion

For the foregoing reasons, Friends of Seabluffe Association urges you to reject the Project and DEIR as drafted. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

3-AF
3-AG

Because the project’s VMT exceeded the applicable threshold prior the modified baseline, the revisions do not result in a “substantial increase” in the severity of VMT impacts.

The City acknowledges the comments submitted for the record; however, no “significant new information” has been identified and recirculation is unwarranted.

3-AG

Comment Summary:

The commenter concludes the letter and suggests, based on the information provided in the comment letter, that the City reject the project as proposed.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. All public comments received will be considered by the City in evaluating whether to approve the project. No further response is required.

4 SOUTHWEST REGIONAL COUNCIL OF CARPENTERS



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139 South Hudson Avenue
Suite 200
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VIA E-MAIL

November 8, 2021

Attn: Scott VurbEFF
City of Encinitas, Planning Division
505 South Vulcan Avenue
Encinitas, CA 92024
Em: svurbEFF@encinitasca.gov

RE: Marea Village Mixed Use Development Project (SCH No. 2021020272)
– Comments on Draft Environmental Impact Report

Dear Scott VurbEFF,

On behalf of the Southwest Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Encinitas’ (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No.2021020272) for the proposed Marea Village Mixed Use Development Project (“**Project**”).

The City proposes to construct a mixed-use development consisting of 94 leased apartments, a 30-room hotel, and 18,261 square feet of commercial space on 3.8 acres at 1900 and 1950 North Coast Highway 101 in the City of Encinitas.

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

4-A

Comment Summary:

This comment describes the proposed project and introduces the Southwest Regional Council of Carpenters (SQRCC). This comment states that the SWRCC expressly “reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project.” The commenter requests that the lead agency provide notice for any and all notices referring or related to the project issued under CEQA.

Response:

The City will provide notice on the project as required under CEQA. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

4-A

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 2 of 33

SWRCC incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq.*, and the California Planning and Zoning Law (“Planning and Zoning Law”), Cal. Gov’t Code §§ 65000–65010, California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the



4-B

Comment Summary:

This comment states that the City should require the project applicant to hire local workers and to use workers who have graduated from a Joint Labor Management apprenticeship training program.

Response:

Refer to Response to Comment 4-C, below. No further response is required.

4-C

Comment Summary:

This comment states that hiring from the local workforce would reduce environmental impacts and improve the economic impact of the project. The commenter states that hiring local workers would reduce the length of vendor trips, reduce GHG emissions, and provide localized economic benefits.

Response:

The City will take the recommendation under advisement. The comment does not raise any specific concerns with regard to the EIR. The EIR fully evaluated GHG impacts in Section 3.5, Energy Conservation and Climate Change, and includes mitigation to reduce GHG emissions and VMT. Local hire restrictions are not recognized by CAPCOA as a measure that can quantitatively reduce VMT. Thus, taking trip and VMT reductions associated with such policies would be speculative and unsupported by substantial evidence. In addition, the SWAPE analysis of a local hire requirement was applied to a Los Angeles South Coast County project (see Comment 4-AC). A local hire provision with a 10-mile radius would have a negligible impact based on the provided CalEEMod default worker trip lengths because the urban San Diego worker trip length is already 10.8 miles.

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 3 of 33

reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

... labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://cwdb.ca.gov/wp-content/uploads/sites/43/2020/09/AB-398-Report-Putting-California-on-the-High-Road-ADA-Final.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

4-C
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4-D

Nonetheless, a goal of the project is to place housing at the same location of commercial services, affording opportunities for VMT and trip-reducing live-work scenarios. The City aims to improve the jobs-housing balance in the community by introducing these types of mixed-use developments that allow residents and employees to walk, bicycle, or use transit to meet their daily needs. This land use pattern helps to reduce vehicle trips and trip lengths.

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

4-D

Comment Summary:

This comment states that the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component can result in air pollutant reductions.” The commenter states that cities have begun to adopt policies that require projects to hire from the local workforce.

Response:

Refer to Response to Comment 4-C above. The City does not have a policy that requires projects to hire from the local workforce. As stated in EIR Section 3.2, Air Quality, project construction would occur in one phase, projected to last approximately 16.5 months. The analysis in the EIR, as well as the *Air Quality Technical Memorandum* (Michael Baker International 2022) prepared for the project, evaluates the potential emissions generated by the anticipated construction and operational phases of the project. As shown in EIR Section 3.2, Air Quality, project construction and operation would not exceed established thresholds, and impacts relative to air quality were determined to be less than significant. Use of a local workforce would therefore not reduce or avoid a significant air quality impact resulting with the project. The

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 4 of 33

Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, available at <https://www.haywardca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

4-D
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4-E

comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

4-E

Comment Summary:

The comment states that hiring from the local workforce would reduce vehicle miles traveled.

Response:

Refer to **Master Response 4, Vehicle Miles Traveled**, and Response to Comment 4-C, above. As noted in Section 3.12, Transportation, of the EIR, VMT analysis focuses on long-term population data during occupancy and/or operations. Construction VMT is not considered in the VMT analysis because construction is short term and temporary. As such, hiring local construction workers would not help to reduce the project’s operational VMT impacts. Additionally, local hire restrictions are not recognized by CAPCOA as a measure that can quantitatively reduce VMT and thus trip and VMT reductions associated with such policies would be speculative and not supported by substantial evidence. The City aims to improve the jobs-housing balance in the community by introducing mixed-use development projects that allow residents and employees to use alternative means of transportation to meet their daily needs. As the commenter references, the City acknowledges that hiring from the local workforce would help to reduce vehicle trips and trip lengths.

The comment does not raise any specific environmental concerns as to the adequacy of the EIR. No further response is required.

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 5 of 33

voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

I. EXPERTS

This comment letter includes comments from air quality and greenhouse gas experts Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D. concerning the IS/MND. Their comments, attachments, and Curriculum Vitae (“CV”) are attached hereto and are incorporated herein by reference.

Matt Hagemann, P.G., C.Hg. (“Mr. Hagemann”) has over 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA’s Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Mr. Hagemann also served as Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closer. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

For the past 15 years, Mr. Hagemann has worked as a founding partner with SWAPE (Soil/Water/Air Protection Enterprise). At SWAPE, Mr. Hagemann has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality, and greenhouse gas emissions.

4-E
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4-F

4-G

4-F

Comment Summary:

The comment states that the City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate GHG, air quality, and transportation impacts. The commenter also states that the City should require that the project be built to standards exceeding the current 2019 Green Building Code in support of reducing GHG impacts and achieving Statewide environmental goals.

Response:

Refer to Responses to Comments 4-C to 4-E, above. It should also be noted that the City of Encinitas adopted its new Green Building Ordinance (Ordinance 2021-13) in October 2021, subsequent to preparation of the Draft EIR. The ordinance is aimed at advancing the City’s climate action goals and exceeds California’s existing building energy standards, requiring improvements such as installation of or upgrades for solar photovoltaic systems, electrical appliances, insulation of hot water pipes and heaters, fittings in faucets and shower heads, LED lighting, attic air sealing and insulation, and other such building components. The project would be subject to the new Green Building Ordinance.

The comment does not raise any specific environmental concerns as to the adequacy of the EIR. No further response is required.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 6 of 33

Mr. Hagemann has a Bachelor of Arts degree in geology from Humboldt State University in California and a Masters in Science degree from California State University Los Angeles in California.

Paul Rosenfeld, Ph.D. (“Dr. Rosenfeld”) is a principal environmental chemist at SWAPE. Dr. Rosenfeld has over 25 years’ experience conducting environmental investigations and risk assessments for evaluating impacts on human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risks, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particular matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants, Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Dr. Rosenfeld has a Ph.D. in soil chemistry from the University of Washington, M.S. in environmental science from U.C. Berkeley, and B.A. in environmental studies from U.C. Santa Barbara.

4-G
cont'd

4-G

Comment Summary:

The comment provides the credentials of the individuals that have contributed to the comment letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 7 of 33

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).⁸ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

⁸ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

4-H

Comment Summary:

This comment provides a background of CEQA, citing various sections of the statute, the CEQA Guidelines, and legal cases.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

4-H

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 8 of 33

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

4-I

4-J

4-I

Comment Summary:

This comment provides more discussion related to CEQA standards and judicial review.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

4-J

Comment Summary:

This comment provides more discussion of CEQA and case law regarding sufficiency of EIRs and the triggers for recirculating EIRs.

Response:

If significant new information is added to an EIR after notice of public review, but before final certification of the EIR, the lead agency must recirculate the EIR for comments and consultation (Pub. Res. Code §21092.1; 14 Cal Code Regs §15088.5). Recirculation is generally required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted. (14 Cal Code Regs §15088.5(a); *Laurel Heights Improvement Ass’n v Regents of Univ. of Cal.* (1993) 6 Cal. 4th 1112). However, recirculation of an EIR is intended to be the exception, not the rule (Id., at p. 1132; *Environmental Council of Sacramento v County of Sacramento* (2020) 45 CA5th 1020, 1034).

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 9 of 33

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health

4-J
 cont'd

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043).
- (14 Cal Code Regs §15088.5).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (Id.).

4-K

As demonstrated in the above responses, the commenter’s assertions that the EIR is insufficient and requires recirculation are not substantiated by facts. The EIR properly evaluates all environmental impact areas, including project alternatives and identification of appropriate mitigation measures to reduce potential impacts. Revisions to the EIR in response to comments are limited to clarifications and make insignificant modifications. The EIR has been revised to reflect the existing baseline based on public comments received on the EIR. Refer to EIR Section 3.12, Transportation, and the *Local Transportation Analysis* (LOS Engineering, Inc. 2022; Appendix L-

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 9 of 33

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health

4-J
cont'd

2) of the Final EIR for such text revisions. Based on such revisions, the project is expected to generate a net increase of 1,173 ADT over existing conditions, with 85 trips during the AM peak hour and 124 trips during the PM peak hour and would not substantially increase existing area traffic flows. As a result, the project would generate 4.98 MTCO₂e/yr (compared to 5.4 MTCO₂e/yr as originally evaluated in the Draft EIR). The VMT associated with the project as originally analyzed ranged from 20.0 percent (VMT/employee) to 31.6 percent (VMT/capita) above 85 percent of the regional mean. The VMT associated with the revised project would range from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR). Such changes would therefore not result in a substantial increase in the severity of GHG emissions or VMT impacts. As with the project as originally proposed, GHG emissions would be fully mitigated pursuant to mitigation measure GHG-1. Because the project’s VMT exceeded the applicable threshold prior to the modified baseline, the revisions do not result in a “substantial increase” in the severity of VMT impacts.

The City acknowledges the comments submitted for the record; however, no “significant new information” has been identified and recirculation is unwarranted.

4-K

Comment Summary:

This comment states that the City should adopt additional CEQA mitigation measures to mitigate public health risks from the project’s construction activities related to potential COVID-19 exposure. SWRCC requests that the City require safe on-site construction work practices as well as training and certification for any construction workers on the project site.

4-K

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 10 of 33

Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

⁹ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

4-K
cont'd

4-L

Response:

The City adheres to all COVID-19 requirements and protocols set by the federal, State, and local agencies, including the Centers for Disease Control and Prevention, Cal OSHA, the California Department of Public Health, and the San Diego County Department of Public Health. The commenter has not provided any factual evidence to support the assertion that the proposed project will cause or otherwise exacerbate the spread of COVID-19. Without evidence of such a project impact, additional mitigation requirements that go beyond established safety protocols are not warranted. No further response is required.

4-L

Comment Summary:

This comment provides a list of measures that the commenter feels the City should require the project applicant to implement to reduce the spread of COVID-19 on the construction site.

Response:

Refer to Response to Comment 4-K, above. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 11 of 33

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of

4-M

Comment Summary:

This comment outlines the testing measures that the City should require the project applicant to implement to reduce the spread of COVID-19 on the construction site.

Response:

Refer to Response to Comment 4-K, above. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

4-N

Comment Summary:

This comment outlines the plans and measures that the City should require the project applicant to implement to reduce the spread of COVID-19 on the construction site.

Response:

Refer to Response to Comment 4-K, above. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.



City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 12 of 33

sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.¹⁰

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

D. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing

¹⁰ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/wp-content/uploads/publications/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

4-N
cont'd

4-O

4-O

Comment Summary:

This comment states that the EIR fails to support its findings with substantial evidence and introduces the assertion by providing more discussion of CEQA's mandates and case law.

Response:

The commenter does not provide evidence or cite specific findings from the EIR to support the claim that the EIR is insufficient. To the contrary, the EIR provides substantiation for all findings as per CEQA's mandate. No further response is required.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 13 of 33

an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1; see also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

1. *The DEIR Fails to Support its Findings on Greenhouse Gas and Air Quality Impacts with Substantial Evidence.*

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project’s GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency “should explain the limitations of the particular model or methodology selected for use.” CEQA Guidelines § 15064.4(c).

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project’s consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG

4-O
cont'd

4-P

4-Q

4-P

Comment Summary:

The commenter states that a lead agency has the authority to conduct a quantitative or qualitative analysis and select the methodology to estimate emissions. A lead agency may “consider a project’s consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.”

Response:

This comment does not identify a deficiency in the EIR. As noted, the City of Encinitas has discretion to determinate the significance of the project’s impacts via qualitative or quantitative analysis and select the methodology to estimate the project’s emissions. The EIR provides both a qualitative and quantitative analysis of the project’s GHG and air quality impacts.

Refer also to **Master Response 5, City of Encinitas Climate Action Plan,** and **Master Response 6, Air Quality,** for additional discussion.

4-Q

Comment Summary:

This comment cites CEQA Guidelines 15064.4(b)(3) and 15183.5(b)(1) and provides a list of the features that should be included in a GHG reduction plan or CAP.

Response:

The City’s CAP was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 14 of 33

emissions from activities covered by the plan would not be cumulatively considerable;

- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

According to SWAPE, the DEIR failed to adequately evaluate and mitigate GHG impacts because the Project should incorporate additional GHG mitigation measures to reduce actual Project emissions. (Ex. D, 16-7.) Secondly, the DEIR should also incorporate any project design features as Project mitigation measures. (*Id.*)

The IS/MND should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

2. *The DEIR Fails to Support its Findings on Air Quality with Substantial Evidence.*

According to SWAPE, the DEIR’s analysis of air quality impacts is not supported by substantial evidence for at least the following reasons:

- The DEIR uses unsubstantiated input parameters to estimate project emissions;

4-Q
cont'd

4-R

4-S

4-R

Comment Summary:

This comment states that the EIR failed to adequately evaluate and mitigate GHG impacts because the project should incorporate additional GHG mitigation measures to reduce actual project emissions and incorporate any project design features as project mitigation measures.

The commenter then states that the EIR (referenced in error as “IS/MND”) should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

Response:

The City’s CAP was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, “as part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the city has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the city to adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

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

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 14 of 33

emissions from activities covered by the plan would not be cumulatively considerable;

- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

According to SWAPE, the DEIR failed to adequately evaluate and mitigate GHG impacts because the Project should incorporate additional GHG mitigation measures to reduce actual Project emissions. (Ex. D, 16-7.) Secondly, the DEIR should also incorporate any project design features as Project mitigation measures. (Id.)

The IS/MND should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

2. *The DEIR Fails to Support its Findings on Air Quality with Substantial Evidence.*

According to SWAPE, the DEIR’s analysis of air quality impacts is not supported by substantial evidence for at least the following reasons:

- The DEIR uses unsubstantiated input parameters to estimate project emissions;

4-Q
cont'd

4-R

4-S

- CET-5: Require Commercial Electric Vehicle Charging Stations.”

As stated in Section 3.5, Energy Conservation and Climate Change, of the EIR, the project would comply with energy efficiency and renewable energy goals and policies identified in the City’s CAP and General Plan, as listed in EIR Table 3.5-8, Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan, and Table 3.5-9, Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan. Additionally, the project would comply with the most recent Title 24 and CALGreen efficiency standards, which would ensure the project incorporated photovoltaic solar panels, energy-efficient windows, insulation, lighting, ventilation systems, and water-efficient fixtures, as well as green building standards. Additionally, the City of Encinitas adopted its new Green Building Ordinance (Ordinance 2021-13) in October 2021, subsequent to preparation of the Draft EIR. The ordinance is aimed at advancing the City’s climate action goals and exceeds California’s existing building energy standards, requiring improvements such as installation of or upgrades for solar photovoltaic systems, electrical appliances, insulation of hot water pipes and heaters, fittings in faucets and shower heads, LED lighting, attic air sealing and insulation, and other such building components.

The commenter does not provide evidence or cite specific reasons to support the claim that the GHG analysis or mitigation measures identified are insufficient. The commenter does not provide any specifics other than the project should include “additional GHG mitigation measures” and that the project should incorporate any “project design features” as mitigation measures. By definition, project design features are part of the project that is evaluated, not mitigation measures, and therefore, it would be inappropriate to include them as such.

emissions from activities covered by the plan would not be cumulatively considerable;

- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

According to SWAPE, the DEIR failed to adequately evaluate and mitigate GHG impacts because the Project should incorporate additional GHG mitigation measures to reduce actual Project emissions. (*Ex. D, 16-7.*) Secondly, the DEIR should also incorporate any project design features as Project mitigation measures. (*Id.*)

The IS/MND should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

2. *The DEIR Fails to Support its Findings on Air Quality with Substantial Evidence.*

According to SWAPE, the DEIR’s analysis of air quality impacts is not supported by substantial evidence for at least the following reasons:

- The DEIR uses unsubstantiated input parameters to estimate project emissions;

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Further, as indicated in the *Greenhouse Gas Emissions and Energy Technical Memorandum* (EIR Appendix E), the project-level analysis calculated the amount of GHG emissions that would be attributable to the project using recommended models, including the most recent version of the California Emissions Estimator Model (CalEEMod), version 2020.4.0, and compared such data to the City’s interim screening threshold of significance. GHG emissions from on-road transportation were calculated using CalEEMod default trip lengths for San Diego County, trip generation data in the *Local Transportation Analysis* prepared by LOS Engineering, Inc. (2022; EIR Appendix L-2), and project-specific land use data.

GHG emissions from other sources were calculated using CalEEMod default emission rates for San Diego County and project-specific land use data. A CalEEMod model run was conducted to quantify the existing GHG emissions from the operation of the existing restaurant and small commercial center. The CalEEMod model run relied on assumptions made based upon project-specific attributes such as energy consumption and construction emissions, as well as daily vehicle trips as calculated in the *Local Transportation Analysis* prepared for the project (see Appendix A of EIR Appendix E for model inputs). It should be noted that although the restaurant that formerly operated on-site is currently unoccupied (abandoned), consistent with the *Local Transportation Analysis*, trips generated by this restaurant were originally accounted for in the existing conditions model to afford a conservative analysis. Such methodology was revised with preparation of the Final EIR to more accurately reflect the current existing baseline condition and trip credits relative to operation of the restaurant (refer to Final EIR Section 3.5, Energy Conservation and Climate Change, and Final EIR Appendix E for the revised *Greenhouse Gas Emissions Technical Memorandum*).

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 14 of 33

emissions from activities covered by the plan would not be cumulatively considerable;

- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

According to SWAPE, the DEIR failed to adequately evaluate and mitigate GHG impacts because the Project should incorporate additional GHG mitigation measures to reduce actual Project emissions. (*Ex. D, 16-7.*) Secondly, the DEIR should also incorporate any project design features as Project mitigation measures. (*Id.*)

The IS/MND should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

2. *The DEIR Fails to Support its Findings on Air Quality with Substantial Evidence.*

According to SWAPE, the DEIR’s analysis of air quality impacts is not supported by substantial evidence for at least the following reasons:

- The DEIR uses unsubstantiated input parameters to estimate project emissions;

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Additionally, 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 MTCO₂e per capita by 2030 and 2 MTCO₂e 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.

All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

4-S

Comment Summary:

The commenter states that the EIR fails to support its findings on air quality impacts with substantial evidence because the EIR uses unsubstantiated input parameters to estimate project emissions.

Response:

The commenter does not define any “unsubstantiated input parameters” nor offer specifics on which of the input parameters they take issue with. However, the SWAPE air quality study included as Exhibit D of the commenter’s letter asserts that the model inputs used in the EIR air quality analysis “were not consistent with information disclosed in the EIR,” and as a result, “the project’s construction and operational emissions are underestimated.” The SWAPE study suggests that the model used included unsubstantiated reductions to default architectural and area coating emission factors; underestimated grading and architectural coating phase lengths; failed to model material import; failed to model all required demolition; included unsubstantiated reductions to worker and vendor trip numbers, as well

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 14 of 33

emissions from activities covered by the plan would not be cumulatively considerable;

- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

According to SWAPE, the DEIR failed to adequately evaluate and mitigate GHG impacts because the Project should incorporate additional GHG mitigation measures to reduce actual Project emissions. (Ex. D, 16-7.) Secondly, the DEIR should also incorporate any project design features as Project mitigation measures. (*Id.*)

The IS/MND should be revised and recirculated to address reliance on a flawed air model and lack of consistency with the City’s General Plan and CAP.

2. *The DEIR Fails to Support its Findings on Air Quality with Substantial Evidence.*

According to SWAPE, the DEIR’s analysis of air quality impacts is not supported by substantial evidence for at least the following reasons:

- The DEIR uses unsubstantiated input parameters to estimate project emissions;

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as to operational vehicle emissions factors; and, incorrectly applied operational mitigation measures.

Such comments are explained in greater detail in “Exhibit D” of Letter 4. Please refer to Responses to Comments 4-AU to 4-AAB, below, which respond more specifically to the issues stated here by the commenter.

As indicated in Section 3.2, Air Quality, and Appendix B, *Air Quality Technical Memorandum*, of the EIR, emissions from project construction and operations were estimated using the California Emissions Estimator Model (CalEEMod). CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. Modeling for the proposed project was prepared utilizing project-specific inputs including project location, construction schedule, proposed uses, vehicular traffic, as well as area sources such as energy use, water, wastewater, landscaping maintenance, consumer products use (i.e., household cleaners, automotive products), and architectural coatings use for maintenance purposes, as appropriate to each phase (see Appendix A of EIR Appendix B for model inputs). When project-specific information is not available or is unknown, CalEEMod includes built-in default values which are industry-accepted standards to appropriately model and estimate emissions.

As such, the air quality analysis of project construction and operational impacts is considered accurate and in conformance with state-wide standards. No further revisions to the EIR or *Air Quality Technical Memorandum* in response to this comment are warranted.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 15 of 33

- SWAPE’s analysis revealed a potentially significant air quality impact based on correct inputs;
- The DEIR failed to adequately evaluate the health risk from diesel particulate matter emissions; and
- A screening-level analysis of DPM emissions, utilizing OEHHA guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

The DEIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant including those suggested by SWAPE.

2. The DEIR Fails to Support with Substantial Evidence its Findings Regarding Transportation Impacts, Failed to Consider All Feasible Mitigation Measures to Reduce VMT Impacts, and the Proposed Mitigation Measures are Vague, Unenforceable, and Deferred

The fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Cal. Pub Res. Code §§21002.1(a), 21081(a)(1). To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. Cal. Pub Res. Code §§21061, 21100(b)(3); CEQA Guidelines 15121(a), 15126.4(a).

Mitigation measures that are proposed also must not be vague and lacking in specificity. Lead agencies should avoid vague, incomplete, or untested mitigation measures. Mitigation measures must not be remote and speculative. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal.App 4th 1252, 1260. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260, 281 (plan for active habitat management did not describe anticipated management actions or include standards or guidelines for actions that might be taken); *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement

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Comment Summary:

This comment states that their contributor, SWAPE, conducted an analysis using “correct inputs” and that revealed a significant air quality impact.

Response:

Such comments are explained in greater detail in “Exhibit D” of Letter 4. Please refer to Response to Comment 4-AAC, below, which responds more specifically to the issue stated here by the commenter.

The SWAPE analysis (Exhibit D of the commenter’s letter) provides an “updated analysis” which is intended to “more accurately estimate the project’s construction and operational emissions” by “using the project-specific information provided in the DEIR.” The analysis provided revised inputs into the CalEEMod model, which subsequently identified that ROG emissions associated with project construction exceed the applicable SDAPCD thresholds of 137 pounds/day, an increase of “approximately 1,194% over that identified in the EIR, resulting in a significant impact not identified in the EIR. As such, the SWAPE analysis states that the EIR should be updated to adequately address and mitigate this impact.

Refer also to Response to Comment 4-S, above. It should be noted that CEQA acknowledges that disagreements among experts may occur within the framework of an EIR. As indicated in Section 3.2, Air Quality, and Appendix B, *Air Quality Technical Memorandum*, of the EIR, 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 project location, construction schedule, and proposed uses (see Appendix A of EIR Appendix B for model inputs). When project-specific information is

City of Encinitas – Mareca Village Mixed-Use Development Project
 November 8, 2021
 Page 15 of 33

- SWAPE’s analysis revealed a potentially significant air quality impact based on correct inputs;
- The DEIR failed to adequately evaluate the health risk from diesel particulate matter emissions; and
- A screening-level analysis of DPM emissions, utilizing OEHHA guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

The DEIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant including those suggested by SWAPE.

2. The DEIR Fails to Support with Substantial Evidence its Findings Regarding Transportation Impacts, Failed to Consider All Feasible Mitigation Measures to Reduce VMT Impacts, and the Proposed Mitigation Measures are Vague, Unenforceable, and Deferred

The fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Cal. Pub Res. Code §§21002.1(a), 21081(a)(1). To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. Cal. Pub Res. Code §§21061, 21100(b)(3); CEQA Guidelines 15121(a), 15126.4(a).

Mitigation measures that are proposed also must not be vague and lacking in specificity. Lead agencies should avoid vague, incomplete, or untested mitigation measures. Mitigation measures must not be remote and speculative. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal.App 4th 1252, 1260. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260, 281 (plan for active habitat management did not describe anticipated management actions or include standards or guidelines for actions that might be taken); *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement

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not available or known, CalEEMod includes built-in default values which are industry-accepted standards to appropriately model and estimate emissions. As stated in Section 3.2 of the EIR, exhaust emission factors for typical diesel-powered heavy equipment were based on the program defaults of CalEEMod. Variables factored into estimating the total construction emissions included the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on- or off-site, all specific to project construction activities as anticipated by the applicant. Further, modeling for the project emissions was updated subsequent to the Draft EIR public review period to more accurately reflect existing on-site operational conditions relative to traffic generation as well as to update the model to CalEEMod version 2020.4.0. Refer also to the updated *Air Quality Technical Memorandum* (see Appendix B of the EIR).

As such, the air quality analysis of project construction impacts is considered accurate and in conformance with state-wide standards. No further revision to the EIR or *Air Quality Technical Memorandum* in response to this comment is warranted. A new significant impact on air quality has not been identified, and recirculation of the EIR is not required in response to the comments provided.

4-U

Comment Summary:

This comment states that the EIR failed to adequately evaluate the health risk from diesel particulate matter emissions.

Response:

Such comments are explained in greater detail in “Exhibit D” of Letter 4. Please refer to Response to Comment 4-AAD, below, which responds more specifically to the issue stated here by the commenter.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 15 of 33

- SWAPE’s analysis revealed a potentially significant air quality impact based on correct inputs;
- The DEIR failed to adequately evaluate the health risk from diesel particulate matter emissions; and
- A screening-level analysis of DPM emissions, utilizing OEHHA guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

The DEIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant including those suggested by SWAPE.

2. The DEIR Fails to Support with Substantial Evidence its Findings Regarding Transportation Impacts, Failed to Consider All Feasible Mitigation Measures to Reduce VMT Impacts, and the Proposed Mitigation Measures are Vague, Unenforceable, and Deferred

The fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Cal. Pub Res. Code §§21002.1(a), 21081(a)(1). To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. Cal. Pub Res. Code §§21061, 21100(b)(3); CEQA Guidelines 15121(a), 15126.4(a).

Mitigation measures that are proposed also must not be vague and lacking in specificity. Lead agencies should avoid vague, incomplete, or untested mitigation measures. Mitigation measures must not be remote and speculative. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal.App 4th 1252, 1260. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260, 281 (plan for active habitat management did not describe anticipated management actions or include standards or guidelines for actions that might be taken); *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement

4-T

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Refer also to **Master Response 6, Air Quality**. Section 3.2, Air Quality, of the EIR has been amended to provide additional discussion as to the health risk potential and to provide further reasoning for the finding. The closest sensitive receptors to the project site are multi-family residential development located adjacent to the west and south of the project site. However, health impacts on sensitive receptors associated with exposure to diesel particulate emissions (DPM) from project construction are anticipated to be less than significant because construction activities are expected to last approximately 16.5 months, which is well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short term and intermittent in nature, and therefore would not generate toxic air contaminants (TAC) emissions at high enough exposure concentrations to represent a health hazard.

As a comparison, the construction health risk assessment modeling for a similar project, Signal Hill Business Park¹, was considered. Construction of the Signal Hill Business Park project would last for approximately 18 months and generate an average of 1.06 pounds per day of on-site exhaust PM₁₀ emissions. Sensitive receptors are located adjacent to the project site, and the modeled maximum cancer risk and non-cancer risk were 7.40 in one million and 0.0922 in one million, respectively, which were below the 10 in one million significance threshold for cancer risk and the non-cancer risk threshold of one. According to the CalEEMod output, construction of the proposed project would last for approximately 16.5 months and generate an average of 1.06 pounds per day of on-site exhaust PM₁₀ emissions.

¹ Signal Hill: Second Recirculated Mitigated Negative Declaration, 2020 Walnut Industrial Park, June 2021. <https://ca-signalhill2.civicplus.com/DocumentCenter/View/11388/2021-Recirculated-ISMND-2020-Walnut>.

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 15 of 33

- SWAPE’s analysis revealed a potentially significant air quality impact based on correct inputs;
- The DEIR failed to adequately evaluate the health risk from diesel particulate matter emissions; and
- A screening-level analysis of DPM emissions, utilizing OEHHA guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

The DEIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant including those suggested by SWAPE.

2. *The DEIR Fails to Support with Substantial Evidence its Findings Regarding Transportation Impacts, Failed to Consider All Feasible Mitigation Measures to Reduce VMT Impacts, and the Proposed Mitigation Measures are Vague, Unenforceable, and Deferred*

The fundamental purpose of an EIR is to identify ways in which a proposed project’s significant environmental impacts can be mitigated or avoided. Cal. Pub Res. Code §§21002.1(a), 21081(a)(1). To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project’s significant environmental effects. Cal. Pub Res. Code §§21061, 21100(b)(3); CEQA Guidelines 15121(a), 15126.4(a).

Mitigation measures that are proposed also must not be vague and lacking in specificity. Lead agencies should avoid vague, incomplete, or untested mitigation measures. Mitigation measures must not be remote and speculative. *Federation of Hillside & Canyon Ass’ns v City of Los Angeles* (2000) 83 Cal.App 4th 1252, 1260. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260, 281 (plan for active habitat management did not describe anticipated management actions or include standards or guidelines for actions that might be taken); *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement

4-T

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Therefore, due to similar level of emissions and a shorter construction duration, the project is expected to cause lower cancer and non-cancer risks than the Signal Hill Business Park project and would not exceed the significance thresholds. As such, construction of the proposed project would result in less than significant health risks to nearby sensitive receptors.

4-V

Comment Summary:

This comment states that screening-level analysis of DPM emissions, utilizing Office of Environmental Health Hazard Assessment guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

Response:

Such comments are explained in greater detail in “Exhibit D” of Letter 4. Please refer to Response to Comment 4-AAE, below, which responds more specifically to the issue stated here by the commenter.

Refer to Response to Comment 4-U, above. As indicated in the EIR, the project would not result in a significant health risk to nearby sensitive receptors. Health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to last for approximately 16.5 months, which is well below the 30-year exposure period used in health risk assessments. Additionally, based on the enhanced discussion provided in Section 3.2, Air Quality, of the EIR, the project is not anticipated to exceed the cancer risk and non-cancer risk thresholds, and would therefore not represent a significant health risk or exposure to “excess lifetime cancer risk,” as indicated by the commenter.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 15 of 33

- SWAPE’s analysis revealed a potentially significant air quality impact based on correct inputs;
- The DEIR failed to adequately evaluate the health risk from diesel particulate matter emissions; and
- A screening-level analysis of DPM emissions, utilizing OEHHA guidance, reveals that sensitive receptors will be exposed to excess lifetime cancer risk.

The DEIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant including those suggested by SWAPE.

2. *The DEIR Fails to Support with Substantial Evidence its Findings Regarding Transportation Impacts, Failed to Consider All Feasible Mitigation Measures to Reduce VMT Impacts, and the Proposed Mitigation Measures are Vague, Unenforceable, and Deferred*

The fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Cal. Pub Res. Code §§21002.1(a), 21081(a)(1). To implement this statutory purpose, an EIR must describe feasible mitigation measures that can minimize the project's significant environmental effects. Cal. Pub Res. Code §§21061, 21100(b)(3); CEQA Guidelines 15121(a), 15126.4(a).

Mitigation measures that are proposed also must not be vague and lacking in specificity. Lead agencies should avoid vague, incomplete, or untested mitigation measures. Mitigation measures must not be remote and speculative. *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal.App 4th 1252, 1260. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *Preserve Wild Santee v City of Santee* (2012) 210 Cal.App.4th 260, 281 (plan for active habitat management did not describe anticipated management actions or include standards or guidelines for actions that might be taken); *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure); *Kings County Farm Bureau v City of Hanford* (1990) 221 Cal.App.3d 692, 727 (mitigation agreement that called for purchases of replacement

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Comment Summary:

This comment states that the EIR should be revised and recirculated to address use of unsubstantiated input parameters and to institute all feasible mitigation measures to reduce air quality impacts to less than significant.

Response:

Refer also to **Master Response 6, Air Quality**, and Response to Comment 4-S above. As indicated in Section 3.2, Air Quality, of the EIR, project impacts relative to air quality for project construction and operations were determined to be less than significant and no mitigation measures are therefore required to reduce project effects from construction or operations. However, it should be noted that Section 3.2, Air Quality, and Appendix B of the EIR have been revised to address updated trip generation calculations and baseline, and the revised analyses are included in the Final EIR. As no new significant impacts were identified, recirculation of the EIR is not required per CEQA.

4-X

Comment Summary:

This comment notes that mitigation measures must not be vague, incomplete, untested, remote or speculative and states that the transportation and VMT mitigation measures are vague, unenforceable, and deferred. The commenter makes reference to several legal cases pertaining to the application of mitigation measures to reduce potential project effects.

Response:

This comment does not provide specifics as to how the measures proposed to reduce transportation (VMT) related project impacts are

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 16 of 33

groundwater supplies without specifying whether water was available was inadequate measure for mitigating project's effect on groundwater supplies).

First, the DEIR has proposed four VMT mitigation measures, all of which are vague, unenforceable, and deferred.

- The employer commuting program is entirely voluntary and cannot be relied upon to reduce any impacts and is further completely undefined;
- The City proposes to merely “promote” bicycle usage through an undefined bikeshare program and make a speculative contribution to electric bike stations;
- The City proposes to provide pedestrian improvements without defining what those might be; and
- The City will “provide information” about public transportation without defining what that would look like or how it will do anything to reduce transportation impacts.

In effect, the City has not proposed any concrete and enforceable mitigation measures to reduce the Project’s significant and unavoidable VMT impacts.

Second, the DEIR did not consider all feasible mitigation measures to reduce VMT impacts. The DEIR should consider local hire requirements for the construction phase of the Project to reduce overall Project VMT, requiring telecommuting for the operational phase of the Project for some employees, providing pedestrian network improvements, traffic calming measures, and commute trip reduction programs for future employees of the Project.

The DEIR concluded that the Project would create 1,963 ADT (average daily trips) with a net increase of 1,122 ADT—122 ADT over the applicable screening threshold for a significant impact. (DEIR, 3.12-14.) The DEIR has not demonstrated that it cannot reduce this significant VMT impact by considering additional mitigation measures.



lacking. The mitigation identified for the project relative to transportation/VMT is specific, feasible, and enforceable, and does not defer implementation to a later date. No further response to such comments is required. Refer also to Response 4-Y, below.

4-Y

Comment Summary:

This comment states that the employer commuting program is entirely voluntary and cannot be relied upon to reduce any impacts and is further completely undefined.

Response:

The following Transportation Demand Management (TDM) strategies were identified for the project to reduce VMT and are included in mitigation measure TR-1:

- Voluntary employer commute program. Employers to provide information about SANDAG’s iCommute program (www.icommutesd.com) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 16 of 33

groundwater supplies without specifying whether water was available was inadequate measure for mitigating project's effect on groundwater supplies).

First, the DEIR has proposed four VMT mitigation measures, all of which are vague, unenforceable, and deferred.

- The employer commuting program is entirely voluntary and cannot be relied upon to reduce any impacts and is further completely undefined;
- The City proposes to merely “promote” bicycle usage through an undefined bikeshare program and make a speculative contribution to electric bike stations;
- The City proposes to provide pedestrian improvements without defining what those might be; and
- The City will “provide information” about public transportation without defining what that would look like or how it will do anything to reduce transportation impacts.

In effect, the City has not proposed any concrete and enforceable mitigation measures to reduce the Project’s significant and unavoidable VMT impacts.

Second, the DEIR did not consider all feasible mitigation measures to reduce VMT impacts. The DEIR should consider local hire requirements for the construction phase of the Project to reduce overall Project VMT, requiring telecommuting for the operational phase of the Project for some employees, providing pedestrian network improvements, traffic calming measures, and commute trip reduction programs for future employees of the Project.

The DEIR concluded that the Project would create 1,963 ADT (average daily trips) with a net increase of 1,122 ADT—122 ADT over the applicable screening threshold for a significant impact. (DEIR, 3.12-14.) The DEIR has not demonstrated that it cannot reduce this significant VMT impact by considering additional mitigation measures.



SANDAG’s Mobility Management VMT Reduction Calculator Tool provides the means to estimate VMT reductions based on a project’s design and planned programs. However, the SANDAG calculator tool does not provide reduction credits for all of the proposed TDM strategies. The following TDM strategies have quantifiable reductions as shown:

- Voluntary employer commute program. The SANDAG model calculates a 6.2 percent VMT reduction with the implementation of a voluntary employer commute program.
- Mixed-Use project. The SANDAG model calculates a 0.2 percent VMT reduction from pedestrian interaction between the mixed land uses.

The project applicant will incentivize residents and visitors to commute by participating in SANDAG’s iCommute program. Furthermore, as noted by the name of the program, the iCommute program is an approved TDM strategy recommended by SANDAG. Based on recommendations in the CAPCOA Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures, SANDAG recommends a 6.2 percent reduction in VMT for low-density suburbs. EIR mitigation measure TR-1 requires employers within the project development to provide information about the SANDAG iCommute program and encourage carpooling. iCommute assists commuters by providing information about carpool services, a subsidized vanpool program, transit solutions, regional support for biking, the Guaranteed Ride Home program, information about teleworking, and bike and pedestrian safety program support for schools. Though the program itself is voluntary, the mitigation measure is mandatory and enforceable through the MMRP. The resultant VMT reduction is based on CAPCOA guidance and modelling. Therefore, the iCommute program is an appropriate mitigation measure.

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 16 of 33

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First, the DEIR has proposed four VMT mitigation measures, all of which are vague, unenforceable, and deferred.

- The employer commuting program is entirely voluntary and cannot be relied upon to reduce any impacts and is further completely undefined;
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4-Z

Comment Summary:

This comment states that the City proposes to merely “promote” bicycle usage through an undefined bikeshare program and make a speculative contribution to electric bike stations.

Response:

The project applicant cannot require its residents or visitors to ride bicycles. Instead, the project applicant will incentivize residents and visitors to ride bicycles by providing on-site facilities, such as bicycle parking, and to promote programs to encourage adoption. Further, bikeshare programs are an approved TDM strategy recommended by SANDAG. Bikeshare programs help to reduce traffic congestion and demand for parking by providing users with on-demand access to bikes for short-term rental. Bikeshare systems that feature electrified vehicles (scooters, e-bikes) help increase the range of the bike trip, making these services convenient and attractive to users. Providing discounted bikeshare memberships or dedicated bikeshare parking can encourage users and improve the user experience. Therefore, the bicycle program is an appropriate mitigation measure. As noted above, the SANDAG Mobility Management VMT Reduction Calculator Tool does not provide a quantifiable VMT reduction metric for this mitigation measure. As a result, the project has not taken a “credit” for this VMT reduction strategy. However, in light of the planned and completed North Coast Highway 101 Streetscape Improvement Project improvements (e.g., dedicated bike lane), access to transit, and favorable weather, it is likely the proposed bikeshare program will be successful in providing additional VMT reductions. See Response to Comment 4-AA below.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 16 of 33

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4-AA

Comment Summary:

This comment states that the City proposes to provide pedestrian improvements without defining what those might be.

Response:

The pedestrian improvements are clearly defined in EIR Section 3.12, Transportation, of the EIR; refer also to Figure 2.0-3A, Site Plan. The City’s planned pedestrian circulation system consists of connecting sidewalks along roadways as well as public recreational trails. Sidewalks are present along both sides of portions of Highway 101 and La Costa Avenue in the vicinity of the project site. The project site is located within walking/biking distance of a variety of existing shopping and restaurants located along the Highway 101 corridor to the south; 0.07 miles from a trail to the northwest leading to the shoreline of the Pacific Ocean; and 0.17 miles to the southwest of the Batiquitos Lagoon, which provides opportunities for passive and active recreation, including public trails.

The North Coast Highway 101 Streetscape Improvement Project is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane, increase pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks bike lanes); reduce travel speeds to 30 miles per hour; and construct appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 16 of 33

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The DEIR concluded that the Project would create 1,963 ADT (average daily trips) with a net increase of 1,122 ADT—122 ADT over the applicable screening threshold for a significant impact. (DEIR, 3.12-14.) The DEIR has not demonstrated that it cannot reduce this significant VMT impact by considering additional mitigation measures.



As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Portions of the proposed walkways along the project frontage (and the site interior) would be improved with decorative pavings, landscaping, and other elements (e.g., benches) to further enhance the streetscape setting and improve mobility along the corridor; refer to Figure 2.0-3A, Site Plan, and Figure 2.0-5, Conceptual Landscape Plan, of the EIR. Additionally, an on-site pedestrian connection (“pedestrian bridge”) would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

Similar to the bikeshare program, the SANDAG Mobility Management VMT Reduction Calculator Tool does not provide a quantifiable VMT reduction metric for this mitigation measure. As a result, the project has not taken a “credit” for this VMT reduction strategy. However, the North Coast Highway 101 Streetscape Improvement Project improvements will likely enhance the VMT reduction achievements from the bikeshare and iCommute programs.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 16 of 33

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4-AB

Comment Summary:

This comment states that City will “provide information” about public transportation without defining what that would look like or how it will do anything to reduce transportation impacts.

Response:

As part of the TDMs identified for the project to reduce VMT, the project proposes to "provide information about maps, routes, and schedules for public transit." As noted above under Response to Comment 4-Y, the SANDAG VMT reduction calculator tool does not provide credits for this TDM strategy, and therefore, it was not entered into the SANDAG reduction calculator tool to determine project VMT reductions. The project applicant cannot require its residents or visitors to take public transportation. Instead, the project applicant can incentivize residents and visitors to take public transportation by providing service information on-site, such as the location of bus stops and bus routes. Further, the public transportation program is an approved TDM strategy recommended by SANDAG.

4-AC

Comment Summary:

This comment states that the EIR should consider local hire requirements for the construction phase of the project to reduce overall project VMT, requiring telecommuting for the operational phase of the project for some employees, and providing pedestrian network improvements, traffic-calming measures, and commute trip reduction programs for future employees of the project.

Response:

Refer to **Master Response 4, Vehicle Miles Traveled**, and Responses to Comments 1-B and 1-C. The CEQA Guidelines specify automobile VMT

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 16 of 33

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as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. VMT 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. As noted in the analysis options, VMT analysis focuses on long-term population data during occupancy and/or operations. Construction VMT is not considered in the VMT analysis because construction is short term and temporary. As such, hiring local construction workers would not reduce the project's operational VMT impacts. Therefore, further mitigation during construction is not required.

Local hire restrictions are not recognized by CAPCOA as measures that quantitatively reduce VMT. Thus, trip and VMT reductions associated with such policies would be speculative and unsupported by substantial evidence. In addition, the SWAPE analysis of a local hire requirement was applied to a Los Angeles South Coast County project (see Response to Comment 4-AS). A local hire provision with a 10-mile radius would have a negligible impact based on the provided CalEEMod default worker trip lengths because the urban San Diego worker trip length is already 10.8 miles.

Further, the DEIR does include many of the suggested mitigation measures. Refer to Response to Comment 4-AA, above for more information on the pedestrian network and traffic-calming measures. Refer to Response to Comment 4-Y for more information on the proposed commuter program and traffic-calming measures. The option to telecommute will be dependent on the type of business on-site. As many of the proposed businesses are service based, such as restaurants and retail stores, telecommuting is not always practical. As such, telecommuting cannot be mandated for the proposed project because any VMT reduction would be speculative.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 16 of 33

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4-AD

Comment Summary:

This comment states that the EIR concluded that the project would create 1,963 ADT (average daily trips) with a net increase of 1,122 ADT, or 122 ADT over the applicable screening threshold for a significant impact. The EIR has not demonstrated that it cannot reduce this significant VMT impact by considering additional mitigation measures.

Response:

As previously stated, trip generation for the project has been revised to reflect the existing baseline based on public comments received on the EIR. Refer to Section 3.12, Transportation, and the *Local Transportation Analysis* (LOS Engineering, Inc. 2022; Appendix L-2) of the Final EIR for such text revisions. Based on such revisions, the project is expected to generate 2,003 ADT (or a net increase of 1,173 ADT over existing conditions), with 85 trips during the AM peak hour and 124 trips during the PM peak hour and would not substantially increase existing area traffic flows.

Refer to **Master Response 4, Vehicle Miles Traveled**, and Responses to Comments 1-B and 1-C. Section 3.12, Transportation, of the EIR evaluates potential effects of the project relative to VMT. As stated, although mitigation measure TR-1 would be implemented to reduce the project’s VMT, VMT would remain above established thresholds, resulting in a significant and unavoidable impact; such impacts are also considered to be cumulatively considerable. As described under Impact 3.12-2 of the EIR, the SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project’s proposed voluntary employer commute program and the mixture of land uses. Other proposed measures, such as the provision of public transportation information and pedestrian linkages, are not credited with VMT reductions for CEQA purposes, as such measures cannot be reliably quantified, but

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 17 of 33

E. CEQA Bars the Deferred Development of Environmental Mitigation Measures

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) [providing “[f]ormulation of mitigation measures should not be deferred until some future time.”]. While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” (Id.) Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass’n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671 [EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats]; see also *Cleveland Nat’l Forest Found. v San Diego Ass’n of Gov’ts* (2017) 17 Cal. App. 5th 413, 442 [generalized air quality measures in the EIR failed to set performance standards]; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal. App. 4th 173, 195 [agency could not rely on a future report on urban decay with no standards for determining whether mitigation required]; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard]; *Endangered*

4-AE

Comment Summary:

This comment states that deferred mitigation is not allowed by CEQA and presents numerous citations of case law.

Response:

The commenter provides references to case law but does not make specific assertions as to how the EIR defers mitigation. Refer to subsequent comments below for additional discussion. Given that the comment is general, a general response is all that is required. Therefore, no further response is warranted.

4-AE

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 18 of 33

Habitats League, Inc. v. County of Orange (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

Here, the DEIR defers the development of the following mitigation measures for potentially significant environmental impacts:

- CR-1 (cultural resources): The DEIR fails to include a cultural resources monitoring program (CRMP) other than to specify that a qualified archaeologist would be retained and outline general goals of a future CRMP

It is important to note that there are well developed professional protocols that could easily be integrated into CR-1 to provide enforceable performance standards for the aforementioned mitigation measures.

The State of California’s Governor’s Office of Planning and Research as well as the United States Department of the Interior have specific guidelines for consultation with, evaluation, and treatment of tribal remains and other archaeological resources.¹¹ The EIR should be modified to require that mitigation and monitoring efforts comply with the aforementioned national and state guidelines;

- GEO-1 (paleontological resources): The DEIR specifies that a data recovery and monitoring *shall be* prepared to the City’s satisfaction. The DEIR merely specifies that a qualified paleontologist would be retained to develop a future plan and no performance standard is established for that development of that plan.

It is notable that there are already widely accepted professional standards for the qualifications and performance standards for

¹¹ Governor’s Office of Planning and Research (2017) Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA, available at https://opr.ca.gov/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf; U.S. Department of the Interior, National Park Service (2000) Guidelines for Evaluating and Registering Archeological Properties, available at <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>; U.S. Department of the Interior, National Park Service (1992) Guidelines for Evaluating and Documenting Traditional Cultural Properties, available at <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>.



4-AF

Comment Summary:

This comment asserts the EIR fails to include a “cultural resources monitoring program (CRMP) other than to specify that a qualified archaeologist would be retained and outline general goals of a future CRMP.”

Response:

The mitigation measures for cultural resources are clearly defined in Section 3.4, Cultural Resources, of the EIR. As described in Impact 3.4-1 of the EIR, there is the potential that unknown resources on the site may have been obscured by pavement or other materials over the years. Therefore, unknown historic resources or properties have the potential to be present within the construction limits of the project and project construction activities may adversely affect such resources. Mitigation measures **CR-1 to CR-3** would be implemented to reduce project effects on such unknown historic resources (mitigation measures **CR-1 to CR-3** are provided below for the reader’s convenience). Project impacts would be reduced to less than significant with mitigation incorporated. Mitigation measures **CR-1** and **CR-2** describe the process, procedures, and required content of the cultural resources monitoring program. The mitigation measures also outline the specific guidelines for consultation, evaluation, and treatment for tribal cultural resources.

Contrary to the commenter’s assertion, the mitigation measures comply with State and federal laws and the mitigation measures were agreed upon by the project applicant, City, and local Native American tribes. The commenter does not provide specific evidence to support the claim that the cultural mitigation measures are deferred, vague, and unenforceable. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 18 of 33

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The State of California’s Governor’s Office of Planning and Research as well as the United States Department of the Interior have specific guidelines for consultation with, evaluation, and treatment of tribal remains and other archaeological resources.¹¹ The EIR should be modified to require that mitigation and monitoring efforts comply with the aforementioned national and state guidelines;

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that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

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 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

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 18 of 33

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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. 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 Plan is required, then a TCA Native American monitor 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

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 18 of 33

Habitats League, Inc. v. County of Orange (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

Here, the DEIR defers the development of the following mitigation measures for potentially significant environmental impacts:

- CR-1 (cultural resources): The DEIR fails to include a cultural resources monitoring program (CRMP) other than to specify that a qualified archaeologist would be retained and outline general goals of a future CRMP

It is important to note that there are well developed professional protocols that could easily be integrated into CR-1 to provide enforceable performance standards for the aforementioned mitigation measures.

The State of California’s Governor’s Office of Planning and Research as well as the United States Department of the Interior have specific guidelines for consultation with, evaluation, and treatment of tribal remains and other archaeological resources.¹¹ The EIR should be modified to require that mitigation and monitoring efforts comply with the aforementioned national and state guidelines;

- GEO-1 (paleontological resources): The DEIR specifies that a data recovery and monitoring *shall be* prepared to the City’s satisfaction. The DEIR merely specifies that a qualified paleontologist would be retained to develop a future plan and no performance standard is established for that development of that plan.

It is notable that there are already widely accepted professional standards for the qualifications and performance standards for

¹¹ Governor’s Office of Planning and Research (2017) Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA, available at https://opr.ca.gov/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf; U.S. Department of the Interior, National Park Service (2000) Guidelines for Evaluating and Registering Archeological Properties, available at <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>; U.S. Department of the Interior, National Park Service (1992) Guidelines for Evaluating and Documenting Traditional Cultural Properties, available at <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>.

4-AE
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4-AF

4-AG

disturbing activities, and from any previous archaeological studies or excavations on the project site to the TCA Native American Tribe 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

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 18 of 33

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4-AE
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4-AF

4-AG

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.

4-AG

Comment Summary:

This comment states that mitigation measure GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures. The commenter also states that the plan for paleontological mitigation should at minimum be required to meet the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology.

Response:

Refer to Section 3.6, Geology and Soils, for more information on the project’s impacts to paleontological resources. Based on this fossil record, the project site is typically assigned a moderate to high

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

Finally, the plan for paleontological mitigation should at minimum be required to meet the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology;

- NOI-1 (noise): The DEIR fails to establish what system will be used to monitor vibration and how excessive vibration impacts would be mitigated to not exceed the 0.2 inch-per-second PPV threshold. The DEIR merely specifies that the applicant should utilize a monitoring system and adjust equipment as needed. No additional details are included.

The DEIR needs to be amended to include specific mitigation measures with any applicable performance standards. The DEIR needs to be revised to specify what the plan is and what performance standard or measure will be used that complies with any rule or regulation cited.

F. The DEIR Fails to Demonstrate Consistency with SCAG’s RTP/SCS Plans

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B). CEQA Guidelines § 15125(d) provides that an EIR “shall discuss any

¹² 2010 Standard Procedures are available online at https://vertpaleo.org/wp-content/uploads/2021/01/SVP_Impact_Mitigation_Guidelines.pdf.



paleontological sensitivity (PaleoServices 2020); refer to Appendix I of the EIR. 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 measure GEO-1 is provided below for the reader’s convenience.

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

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 19 of 33

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

Finally, the plan for paleontological mitigation should at minimum be required to meet the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology;

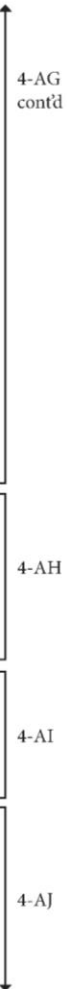
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having experience in the collection and salvage of fossil materials.

- 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.
- The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (Bay Point Formation and Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (i.e., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City’s consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).
- 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

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 19 of 33

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

Finally, the plan for paleontological mitigation should at minimum be required to meet the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology;

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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.

As stated in mitigation measure GEO-1 above, 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

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

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4-AH

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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.” As such, the qualifications of the qualified paleontologist are clearly defined in the mitigation measure and are consistent with definitions and requirements of the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology. This measure contains standard language that has been used for past projects in the City. The performance standards set forth in mitigation measure GEO-1 are also consistent with the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology.

4-AH

Comment Summary:

This comment states that the EIR fails to establish what system will be used to monitor vibration and how excessive vibration impacts would be mitigated to not exceed the 0.2 inch-per-second peak particle velocity (PPV) threshold; that the EIR merely specifies that the applicant should utilize a monitoring system and adjust equipment as needed; and that no additional details are included.

Response:

Refer to EIR Section 3.10, Noise, for more information on the project’s vibration impacts. The nearest structures are multi-family residential buildings located approximately 20 feet west of the project boundary. As indicated in EIR Table 3.10-9, Typical Vibration Levels for Construction Equipment, vibration velocities from typical heavy construction equipment used during project construction would range from 0.0042 (a small bulldozer) to 0.2935 (vibratory roller) in/sec PPV

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

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at 20 feet from the source of activity, which would potentially exceed the Federal Transit Administration’s 0.2 in/sec PPV threshold of architectural damage. Therefore, mitigation measure NOI-1 would be required to reduce vibration levels below the threshold. Mitigation measure NOI-1 would ensure the vibration level at the nearest structures would be closely monitored during construction and, by adjusting the vibration frequency settings of the construction equipment, the vibration level would be below the 0.2 in/sec threshold at the nearest structures. With the implementation of mitigation measure NOI-1, the proposed construction activities associated with the project would not expose sensitive receptors to excessive groundborne vibration levels. Vibration impacts associated with construction would be less than significant with mitigation incorporated. Mitigation measure NOI-1 is provided below for the reader’s convenience.

NOI-1 Implement Vibration Control Measures During Construction. The project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first):

- The project applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration. The project applicant shall adjust the vibration frequency settings of the equipment to ensure vibration levels do not exceed the 0.2 inch-per-second PPV threshold at the residential buildings located to the west of the project site.
- The project applicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.

mitigation of impacts to paleontological resources, In order to avoid deferred development of GEO-1, the 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources by the Society for Vertebrate Paleontology (“2010 Standard Procedures”).¹²

GEO-1 should be modified to require that the paleontologist retained meet the requirements for a “qualified professional paleontologist” and that any paleontological monitors conducting full-time monitoring during the Project’s grading and excavation operations must meet the requirements for a “paleontological resource monitor” pursuant to the 2010 Standard Procedures.

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Contrary to the commenter’s assertion, the project applicant is required to implement all project mitigation measures. The project applicant is required to utilize a construction vibration monitoring system. As noted in the measure, the “project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first).” This means that the City will review the construction vibration monitoring system and procedures prior to the issuance of a demolition or grading permit to ensure the effectiveness of the proposed plan. The project applicant will coordinate with the appropriate City officials and consultants to ensure the construction vibration monitoring system meets the standards of mitigation measure NOI-1. Therefore, the mitigation measure is considered appropriate and further revisions are not required.

4-AI

Comment Summary:

This comment states that the EIR needs to be amended to include specific mitigation measures with any applicable performance standards. The commenter also expresses the opinion that the EIR needs to be revised to specify what the plan is and what performance standard or measure will be used that complies with any rule or regulation cited.

Response:

Refer to Responses to Comments 4-AF to 4-AH for specific rebuttals to the commenter’s claim that the project’s mitigation is deferred. Per CEQA requirements, all project mitigation measures identified would be included in the Mitigation Monitoring and Reporting Program (MMRP), to be prepared, adopted, and enforced by the City in conformance with CEQA Guidelines Section 15097, Mitigation

City of Encinitas – Marea Village Mixed-Use Development Project
 November 8, 2021
 Page 19 of 33

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Monitoring or Reporting, and Public Resources Code (PRC) Section 18.04, CEQA Mitigation Monitoring. The commenter provides no substantiation to support the claim that mitigation for the project does not include proper performance standards that would not be monitored and/or enforced. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

4-AJ

Comment Summary:

This comment states that the EIR fails to demonstrate consistency with Southern California Association of Government’s (SCAG) Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS) Plans.

Response:

The SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact. No further response is warranted. Refer to subsequent responses below.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 20 of 33

inconsistencies between the proposed project and...regional plans. Such regional plans include...regional transportation plans.” Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2012, SCAG adopted its 2012-2035 RTP/ SCS (“2012 RTP/SCS”), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.

In April 2016, SCAG adopted the 2016-2040 RTP/SCS (“2016 RTP/SCS”)¹³, which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS¹⁴, that will help the region achieve GHG emission reductions that would reduce the region’s per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.¹⁵ SCAG’s RTP/SCS plan is based upon the same requirements outlined in CARB’s 2017 Scoping Plan and SB 375.

On September 3, 2020, SCAG adopted the 2020 – 2045 RTP / SCS titled Connect SoCal (“2020 RTP/ SCS”).¹⁶ The 2020 RTP / SCS adopts policies and strategies aimed at reducing the region’s per capita greenhouse gas emissions by 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035.¹⁷

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports (“PEIR”) that include Mitigation Monitoring and Reporting Programs (“MMRP”) that list project-level environmental mitigation measures that directly and/or indirectly relate to a project’s GHG impacts and contribution to the region’s GHG emissions.¹⁸ These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis

4-AJ
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¹⁴ SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115.

¹⁵ *Id.*, p. 8, 15, 153, 166.

¹⁶ SCAG (Sept 2020) Connect SoCal: The 2020 – 2045 Regional Transportation Plan / Sustainable Communities Strategy of the Southern California Association of Governments, available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176

¹⁷ *Id.* At xiii.

¹⁸ *Id.*, p. 116-124; see also SCAG (April 2012) Regional Transportation Plan 2012 – 20135, fn. 38, p. 77-86 (attached as Exhibit F).

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 21 of 33

that can and should be implemented when they identify and mitigate project-specific environmental impacts.¹⁹

Here, the DEIR fails to analyze the Project’s consistency with SCAG’s 2012 and 2016 RTP/SCS Plans. The DEIR must demonstrate that the Project is consistent with the RTP/SCS Plans’ *project-level* goals, including:

Land Use and Transportation

- Providing transit fare discounts²⁰;
- Implementing transit integration strategies²¹; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.²²

GHG Emissions Goals²³

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,²⁴ such as:
 - Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion

¹⁹ SCAG 2012 RTP/SCS, p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

²⁰ SCAG 2016 RTP/SCS, pp. 75-114

²¹ *Id.*

²² *Id.*

²³ SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible . . . [and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]); see also *id.*, Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

²⁴ CEQA Guidelines, Appendix F-Energy Conservation, available at https://resources.ca.gov/CNRALcgacyFiles/ccqa/docs/2016_CEQA_Statutes_and_Guidelines_Appendix_F.pdf.



4-AK

Comment Summary:

This comment states that the EIR must demonstrate that the project is consistent with the SCAG RTP/SCS Plans’ project-level goals for land use and transportation.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

The commenter provides a general list of mitigation measures for various impacts that span twelve (12) pages and have been identified for general application in a different jurisdiction. The commenter does not provide any specific, concrete suggestions. Rather, a broad request to consider a significant number of general suggestions is unreasonable, especially when many of the measures are inapplicable and all have been suggested in the context of a metropolitan planning organization with no authority over the project or project area. (*Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055 [“Considering the large number of possible mitigation measures set forth in the letter, as well as the letter’s indication that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.”]).

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 21 of 33

that can and should be implemented when they identify and mitigate project-specific environmental impacts.¹⁹

Here, the DEIR fails to analyze the Project's consistency with SCAG's 2012 and 2016 RTP/SCS Plans. The DEIR must demonstrate that the Project is consistent with the RTP/SCS Plans' *project-level* goals, including:

Land Use and Transportation

- Providing transit fare discounts²⁰;
- Implementing transit integration strategies²¹; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.²²

GHG Emissions Goals²³

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,²⁴ such as:
 - Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion

¹⁹ SCAG 2012 RTP/SCS, p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

²⁰ SCAG 2016 RTP/SCS, pp. 75-114

²¹ *Id.*

²² *Id.*

²³ SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible . . . [and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]); see also *id.*, Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

²⁴ CEQA Guidelines, Appendix F-Energy Conservation, available at https://resources.ca.gov/CNRALcgacyFiles/ceqa/docs/2016_CEQA_Statutes_and_Guidelines_Appendix_F.pdf.



As discussed in EIR Section 3.9, Land Use and Planning, and Section 3.5, Energy Conservation and Climate Change, the project is consistent with the City's General Plan, Municipal Code, Local Coastal Program, N101SP, Zoning, and HEU and would not conflict with the applicable SANDAG RTP/SCS. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible. Enforceable additive measures are listed under mitigation measure TR-1 in the EIR.

The commenter suggests that the project should provide transit fare discounts. Refer to **Master Response 4, Vehicle Miles Traveled** and Response to Comment 1-B. Potential VMT reductions were analyzed with the project alternatives identified in Section 5.0, Alternatives, of the EIR. As stated above under **Master Response 4, Vehicle Miles Traveled**, the SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4 percent VMT reduction based on the project's proposed voluntary employer commute program and the mix of land uses. Other measures, such as the provision of public transportation information and pedestrian linkages (as identified above), are not credited with VMT reductions for CEQA purposes, as those measures cannot be reliably quantified, but would invariably foster further VMT reductions. CAPCOA states that the maximum combined allowable VMT reduction is 15 percent for the types of uses proposed with the project. As the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot feasibly be achieved and verified with existing models. As transit fare discounts would not reduce impacts to a less than significant level, this mitigation was not included in the proposed project. Transit fare discounts are also infeasible at this stage because the City has not developed a mitigation program to administer

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 21 of 33

that can and should be implemented when they identify and mitigate project-specific environmental impacts.¹⁹

Here, the DEIR fails to analyze the Project’s consistency with SCAG’s 2012 and 2016 RTP/SCS Plans. The DEIR must demonstrate that the Project is consistent with the RTP/SCS Plans’ *project-level* goals, including:

Land Use and Transportation

- Providing transit fare discounts²⁰;
- Implementing transit integration strategies²¹; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.²²

GHG Emissions Goals²³

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix I⁴ of the State CEQA Guidelines,²⁴ such as:
 - Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion

¹⁹ SCAG 2012 RTP/SCS, p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

²⁰ SCAG 2016 RTP/SCS, pp. 75-114

²¹ *Id.*

²² *Id.*

²³ SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible . . . [and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]); see also *id.*, Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

²⁴ CEQA Guidelines, Appendix F-Energy Conservation, available at https://resources.ca.gov/CNRALcgacyFiles/ceqa/docs/2016_CEQA_Statutes_and_Guidelines_Appendix_F.pdf.



such benefits (see <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf> , pp. 16-17). To implement transit fare discounts onsite, future commercial employers would have to develop a customized commuter benefit program. As part of the voluntary employer commute program, future onsite employers may implement a transit fare discount program. However, because the program is voluntary and the maximum VMT reduction has been allocated for the onsite TDM measures, no additional reduction in VMT impacts would be achieved. Impacts relative to VMT would therefore remain significant and unavoidable.

For information on the project’s land use and transportation impacts, refer to EIR Section 3.9, Land Use and Planning, and Section 3.12, Transportation. No further response is required.

4-AL

Comment Summary:

This comment states that the EIR must demonstrate that the project is consistent with the SCAG RTP/SCS Plans’ project-level goals for GHG emission goals.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 22 of 33

- should explain why certain measures were incorporated in the project and why other measures were dismissed.
 - The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
 - The potential for reducing peak energy demand.
 - Alternate fuels (particularly renewable ones) or energy systems.
 - Energy conservation which could result from recycling efforts.
- Off-site measures to mitigate a project’s emissions.
- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
 - Use energy and fuel-efficient vehicles and equipment;
 - Deployment of zero- and/or near zero emission technologies;
 - Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
 - Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
 - Incorporate design measures to reduce energy consumption and increase use of renewable energy;
 - Incorporate design measures to reduce water consumption;
 - Use lighter-colored pavement where feasible;
 - Recycle construction debris to maximum extent feasible;
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.

4-AL
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As stated in Section 3.12, Transportation, the project is consistent with the City’s General Plan, Local Coastal Program, Municipal Code, N101SP, Zoning, and HEU, and would not conflict with the applicable SANDAG RTP/SCS; refer also to EIR Section 3.5, Energy Conservation and Climate Change, for additional discussion.

Moreover, many of the listed GHG reduction strategies have been incorporated into the project. For example, the project would incorporate TDM strategies, is located close to local bus stops and regional transit station, and would provide bicycle parking spaces. The project would install water-efficient fixtures in compliance with 2019 CALGreen Code, use native and lower water use plants, and include recycling services pursuant to AB 341. Solar panels capable of generating 250 kW of solar power would be installed and solar water heaters for commercial users would be provided. Of the 257 parking spaces provided, 39 would be electric vehicle charging stations (see EIR Section 3.5, Energy Conservation and Climate Change).

- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
- Land use siting and design measures that reduce GHG emissions, including:
 - Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
 - Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating water quality/supply requirements, such as:
 - Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.
 - Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.
 - Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.

4-AL
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4-AM

4-AM

Comment Summary:

This comment states that the EIR must demonstrate that the project is consistent with the SCAG RTP/SCS Plans' project-level goals for hydrology and water quality.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

As stated in EIR Section 3.12, Transportation, the project is consistent with the City's General Plan, Local Coastal Program, N101SP, Municipal Code, and HEU. The project would not conflict with the applicable SANDAG RTP/SCS.

The project is subject to the requirements of Title 24 and the 2019 CALGreen Code which require mandatory reduction in outdoor water use. Additionally, the project would be consistent with the goals and policies of the City's General Plan Resource Management Element which encourage use of natural and drought tolerant landscaping in new development and efficient irrigation systems. The project has been designed to incorporate low water use plants appropriate to the region and an efficient irrigation system with smart controllers and rain sensors. Project compliance with the most recent version of the Title 24 and CALGreen efficiency standards, which would ensure the project incorporates water-efficient fixtures as well as green building

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 24 of 33

- Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.
- Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.
- Avoid designs that require continual dewatering where feasible.
- Where feasible, do not site transportation facilities in groundwater recharge areas, to prevent conversion of those areas to impervious surface.
- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:
 - Complete, and have approved, a Stormwater Pollution Prevention Plan (“SWPPP”) before initiation of construction.
 - Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.
 - Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.

4-AM
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standards. The project would also use recycled water to irrigate common landscape areas.

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 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 discussed in EIR Section 3.8, Hydrology and Water Quality, to ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with State and City requirements. The SWPPP would list the best management practices (BMPs) that would be used to protect stormwater runoff and the placement of those BMPs.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. The project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition

- Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.
- Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.
- Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).
- Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.
- Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to prevent pollution of adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.
- Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.
- Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.
- Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater

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(1.17 cfs) than the existing condition (14.65 cfs). As such, the project would not substantially alter existing drainage patterns of the project site and would instead maintain and improve existing on-site stormwater drainage patterns (see Appendix H of the EIR). Therefore, the project would not alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon.

The project does not require continual dewatering, nor is the site located in a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. The site is not also located within a 100-year floodplain or an alluvial fan.

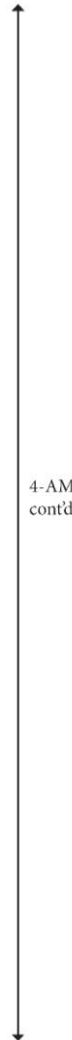
For additional information on the project's hydrology impacts, refer to EIR Section 3.8, Hydrology and Water Quality. No further response is required.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 26 of 33

discharge permit including long-term sediment control and drainage of roadway runoff.

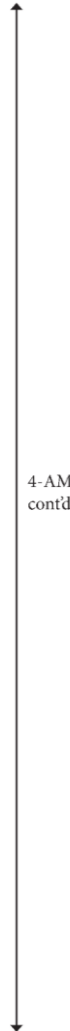
- Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.
- Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.
- Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.
- Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.
- Encourage Low Impact Development (“LID”) and incorporation of natural spaces that reduce, treat, infiltrate



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and manage stormwater runoff flows in all new developments, where practical and feasible.

- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:
 - For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.
 - Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.
 - Avoid designs that require continual dewatering where feasible.
 - Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.
 - Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.
- Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:
 - Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the



0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 28 of 33

natural and beneficial floodplain values, and maintenance of consistency with the standards and criteria of the National Flood Insurance Program.

- Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Provide a vanpool for employees.
- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:
 - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.
 - Direct transit sales or subsidized transit passes.
 - Guaranteed ride home program.
 - Pre-tax commuter benefits (checks).
 - On-site car-sharing program (such as City Car Share, Zip Car, etc.).

4-AM
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4-AN

4-AN

Comment Summary:

This comment states that the EIR must demonstrate that the project is consistent with the SCAG RTP/SCS Plans’ project-level goals for transportation, traffic, and safety.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

As stated in EIR Section 3.12, Transportation, the project is consistent with the City’s General Plan, Local Coastal Program, N101SP, Zoning, Municipal Code, and HEU, and would not conflict with the SANDAG RTP/SCS; refer also to EIR Section 3.5, Energy Conservation and Climate Change, for additional discussion.

Further, specific TDM strategies are proposed in mitigation measure TR-1 to reduce VMT impacts to the extent feasible. Such measures include a voluntary employer commute program; developing and promoting bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work; providing pedestrian improvements, such as a connection to the hotel to the north; and

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 29 of 33

- On-site carpooling program.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately.
- Parking management strategies; including attendant/valet parking and shared parking spaces.
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
 - Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.
 - Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.
 - Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.
 - Purchase, or create incentives for purchasing, low or zero-emission vehicles.
 - Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.
 - Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:
 - Designate a certain percentage of parking spaces for ride-sharing vehicles.
 - Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.



4-AN
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providing information about maps, routes, and schedules for public transit in the local area and region. Such measures have been determined to be feasible and appropriate to the project as proposed in reducing vehicle miles traveled. Further, the project proposes a mixed-use development which would reduce the distance project residents and visitors would need to travel to access goods and services.

For information on the project's transportation impacts, refer to EIR Section 3.12, Transportation. No further response is required.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 30 of 33

- Provide a web site or message board for coordinating shared rides.
- Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.
- Hire or designate a rideshare coordinator to develop and implement ridesharing programs.
- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:
 - Provide assistance to regional and local ridesharing organizations.
 - Advocate for legislation to maintain and expand incentives for employer ridesharing programs.
 - Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes.
 - Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.
- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.
- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.
- Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.
- Work with existing shuttle service providers to coordinate their services.

4-AN
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- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
- Organize events and workshops to promote GHG-reducing activities.
- Implement a Parking Management Program to discourage private vehicle use, including:
 - Encouraging carpools and vanpools with preferential parking and a reduced parking fee.
 - Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council’s Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated Homes, and the California Green Builder Program into project design including, but not limited to the following:
 - Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
 - Inclusion of a waste management plan that promotes maximum C&D diversion.
 - Development of indoor recycling program and space.
 - Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with

4-AN
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4-AO

4-AO

Comment Summary:

This comment states that the EIR must demonstrate that the project is consistent with the SCAG RTP/SCS Plans’ project-level goals for utilities and service systems.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

As stated in EIR Section 3.12, Transportation, the project is consistent with the City’s General Plan, Local Coastal Program, N101SP, Zoning, Municipal Code, and HEU, 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; refer to Response to Comment 4-AN, above.

As indicated in Section 3.5, Energy Conservation and Climate Change, the project would be subject to conformance with the current version of the Title 24 and CALGreen Code at the time of construction. Such compliance would ensure the project design incorporates photovoltaic solar panels, energy efficient windows, insulation, lighting, ventilation systems, water efficient fixtures, as well as green building standards to reduce utility demands.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 32 of 33

SCAQMD and 2016 RTP/SCS policies can and should be required.

- Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.
- Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
- Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
- Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Integrate reuse and recycling into residential industrial, institutional and commercial projects.
- Provide recycling opportunities for residents, the public, and tenant businesses.
- Provide education and publicity about reducing waste and available recycling services.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

The DEIR fails to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plans. The DEIR should be revised to indicate what *specific project-level* mitigation measures that will be followed to demonstrate consistency with the RTP/SCS Plans.

4-AO
cont'd

4-AP

As indicated in EIR Section 3.14, Utilities and Service Systems, the City adopted a Construction & Demolition Debris (C&D) Ordinance (Chapter 11.22) that helps divert waste from landfills and comply with statewide mandates. The proposed project would collect and sort such waste materials for diversion in order to ensure compliance with statewide mandates. Solid waste from construction activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the proposed project.

Additionally, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted from the landfill and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the proposed project would remain in compliance with Assembly Bill (AB) 939. The project would comply with all applicable federal, State, and local management and reduction statutes and regulations related to solid waste.

The project would also be subject to requirements of Assembly Bill (AB) 827 which requires that food establishments provide trash containers for products purchased and consumed on the premises and to also provide properly labeled containers for recyclables and organic waste (food waste). As the project anticipates that the mixed-use development may support restaurant and/or food service uses, such establishments would be required to conform to any applicable regulations. Similarly, the project would adhere to Senate Bill 1383 which requires implementation of an organic waste recycling program. Therefore, the project would implement measures to reduce potential food waste, as required in conformance with the City’s CAP.

SCAQMD and 2016 RTP/SCS policies can and should be required.

- Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.
- Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
- Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
- Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Integrate reuse and recycling into residential industrial, institutional and commercial projects.
- Provide recycling opportunities for residents, the public, and tenant businesses.
- Provide education and publicity about reducing waste and available recycling services.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

The DEIR fails to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plans. The DEIR should be revised to indicate what *specific project-level* mitigation measures that will be followed to demonstrate consistency with the RTP/SCS Plans.

4-AO
cont'd

4-AP

For information on the project’s utilities and service impacts, refer to EIR Section 3.14, Utilities and Service Systems. No further response is required.

4-AP

Comment Summary:

This comment states that the EIR fails to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plans. The EIR should be revised to indicate what specific project-level mitigation measures will be followed to demonstrate consistency with the SCAG RTP/SCS Plans.

Response:

As noted above, the SCAG RTP/SCS Plans are applicable to the Southern California Association of Governments, the metropolitan planning organization with member agencies in the Los Angeles, Imperial, Orange, Riverside, San Bernardino, and Ventura Counties. SANDAG is the metropolitan planning organization with authority in San Diego County, where the project would be located. The comment does not explain how the SCAG RTP/SCS Plan is relevant to the project and fails to identify a significant environmental impact.

As stated in Section 3.12, Transportation, the project is consistent with the City’s General Plan, Local Coastal Program, N101SP, Zoning, Municipal Code, and HEU, and would not conflict with the applicable SANDAG RTP/SCS. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible. The project has been designed consistent with applicable regulations and requirements pertaining to solid waste reduction, water quality, and energy efficiency aimed at reducing demands on energy and utility systems.

0.0 Preface

City of Encinitas – Marea Village Mixed-Use Development Project
November 8, 2021
Page 33 of 33

III. CONCLUSION

Commenters request that the City revise and recirculate the Project’s DEIR and/or prepare an environmental impact report which addresses the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B);

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C); and

November 5, 2021 SWAPE Letter to Greg Sonstein re Marea Village Mixed Use Development Project (Exhibit D).

4-AQ

For additional information, refer to EIR Section 3.5, Energy Conservation and Climate Change; Section 3.8, Hydrology and Water Quality; Section 3.9, Land Use and Planning; Section 3.12, Transportation; and Section 3.14, Utilities and Services. No further response is required.

4-AQ

Comment Summary:

This comment provides a conclusion to the letter and lists the letter’s attachments.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

EXHIBIT A



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Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s_guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

4-AR

Comment Summary:

This comment is Exhibit A, which is the Local Hire Requirements and Considerations for Greenhouse Gas Modeling prepared by SWAPE in March 2021.

Response:

The City has reviewed Exhibit A and refers the commenters to the previous responses in the letter.

4-AR

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$VMT_d = \sum(Average\ Daily\ Trip\ Rate_i * Average\ Overall\ Trip\ Length_i)_n$$

Where:

n = Number of land uses being modeled.⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$Emissions_{pollutant} = VMT * EF_{running,pollutant}$$

Where:

Emissions_{pollutant} = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

EF_{running,pollutant} = emission factor for running emissions.⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

4-AR
cont'd

4-AS

4-AS

Comment Summary:

This comment is Exhibit A, which is the Local Hire Requirements and Considerations for Greenhouse Gas Modeling prepared by SWAPE in March 2021.

Response:

The City has reviewed Exhibit A and refers the commenters to the previous responses in the letter.

0.0 Preface

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

4-AS
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⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

4-AS
 cont'd

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

0.0 Preface

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

4-AS
cont'd

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B



SOIL, WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

4-AT

4-AT

Comment Summary:

This comment is Exhibits B and C, which provide the credentials for the preparers of the SWAPE report.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

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0.0 Preface

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Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

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4-AT
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Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States? Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., Rosenfeld, P. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

4-AT
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Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

4-AT
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Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association.* Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum.* Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable.* Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association.* Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference.* Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association.* Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America.* Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

4-AT
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Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

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4-AT
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Deposition and/or Trial Testimony:

- In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

- In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017

- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 019-L-2295
Rosenfeld Deposition, 8-23-2017

- In The Superior Court of the State of California, For The County of Los Angeles
Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

4-AT
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0.0 Preface

- In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

- In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

- In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

- In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

- In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

- In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

- In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

- In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

- In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030558 (26)
Rosenfeld Deposition: December 2014

- In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

4-AT
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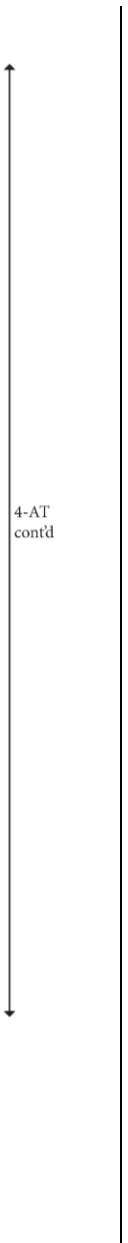
In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

4-AT
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4-AT
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EXHIBIT C



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Santa Monica, California 90401
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Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

4-AT
cont'd

0.0 Preface

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

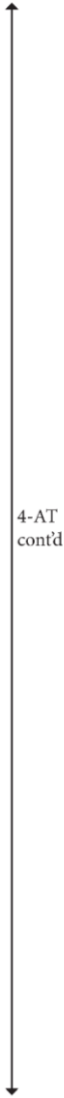
- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

4-AT
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- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.



4-AT
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0.0 Preface

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

4-AT
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- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

4-AT
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0.0 Preface

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

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Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

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Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

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0.0 Preface

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Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

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Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

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EXHIBIT D



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November 5, 2021

Greg Sonstein, Esq.
Mitchell M. Tsai, Attorney at Law
155 South El Molino Avenue Suite 104
Pasadena, CA 91101

Subject: Marea Village Mixed Use Development Project (SCH No. 2021020272)

Dear Mr. Sonstein,

We have reviewed the September 2021 Draft Environmental Impact Report (“DEIR”) for the Marea Village Mixed Use Development Project (“Project”) located in the City of Encinitas (“City”). The Project proposes to demolish all 10,681-SF of existing structures and construct 94 for-lease apartment units comprising 72,982-SF, a 30-room boutique hotel comprising 18,109-SF, and 18,261-SF of mixed-use commercial space, as well as 257 parking spaces in a 78,158-SF parking garage, on the 3.8-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR’s air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 3.2-13).¹ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes

¹ CAPCOA (May 2021) CalEEMod User’s Guide, Version 2016.3.2, <http://www.caleemod.com/>

4-AU

Comment Summary:

The commenter provides a summary of the project details and states the opinion that the EIR fails to adequately address project effects relative to air quality, health risk, and GHG emissions and, as a result, emissions and health risk impacts associated with construction and operations are underestimated and inadequately addressed. Additionally, the commenter states the opinion that the air quality and GHG analyses prepared in support of the EIR used certain inputs in modeling that were inaccurate and underestimated in representing project effects. The commenter therefore states that an updated EIR should be prepared to address such inadequacies.

Response:

These comments are introductory. Refer to detailed responses to specific concerns on the EIR below. As is demonstrated in the responses below, the commenters assertion that the air quality analysis relies on inappropriate assumptions or methods, or otherwise understates the project’s impacts, is not correct. In fact, the responses substantiate the methods and conservative nature of assumptions that, if anything, would result in the overestimation of project impacts, not the underestimation.

4-AU

0.0 Preface

be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality Assessment ("AQA") and the Greenhouse Gas Emissions and Energy Technical Memorandum ("GHG Memo") as Appendix B and E, respectively, to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions are underestimated. As a result, an updated EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Unsubstantiated Reductions to Architectural and Area Coating Emissions Factors

Review of the CalEEMod output files demonstrates that the "Fenway North Coast Highway 101" model includes several reductions to the default architectural and area coating emission factors (see excerpt below) (Appendix B, pp. 225-226, 303-304; Appendix E, pp. 891-892).

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	250.00	100.00
tblArchitecturalCoating	EF_Nonresidential_Interior	250.00	100.00
tblArchitecturalCoating	EF_Parking	250.00	100.00
tblArchitecturalCoating	EF_Residential_Exterior	250.00	100.00
tblArchitecturalCoating	EF_Residential_Interior	250.00	100.00
tblAreaCoating	Area_EF_Nonresidential_Exterior	250	150
tblAreaCoating	Area_EF_Nonresidential_Interior	250	150
tblAreaCoating	Area_EF_Parking	250	150
tblAreaCoating	Area_EF_Residential_Exterior	250	150
tblAreaCoating	Area_EF_Residential_Interior	250	150

As you can see in the excerpt above, the architectural and area coating emission factors are reduced from their default values of 250- to 100- and 150-grams per liter ("g/L"), respectively. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.² According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "SDAPCD Rule 67.0.1 Non-flat coatings" (Appendix B, pp. 225, 303; Appendix E, pp. 891). Furthermore, the DEIR states:

"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" (p. 3.2-14).

² CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

4-AU
cont'd

4-AV

4-AV

Comment Summary:

The commenter states that modeling for the project included several reductions to the default architectural and area coating emission factors and that such reductions should be justified, as the model may underestimate project-related construction and operational ROG/VOC emissions as a result. Additionally, the commenter states that the accuracy of the revised architectural and area coating emission factors could not be verified based on SDAPCD Rule 67.01 alone, and that as the rule fails to substantiate reductions to default values, more specific information is needed.

Response:

SDAPCD Rule 67.0.1 primarily requires 50 g/L VOC limits for coating applications applicable to the proposed project, including general flat coatings and non-flat coatings. The coatings with more than 50 g/L VOC limits are specialty coatings and would not be used by the proposed project. As a conservative analysis, project modeling assumed 100 g/L VOC limits during project construction and 150 g/L VOC limits during project operation, considering some types of specialty coating may occasionally be used in small areas. Therefore, the architectural coating and area coating emission factors used in the CalEEMod modeling are appropriate.

However, these changes remain unsupported for two reasons.

First, the DEIR cannot simply *assume* the Project would use only Flat and Nonflat coatings in accordance with SDAPCD Rule 67.0.1 during construction and operation. According CalEEMod User's Guide:

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."³

Here, as the DEIR fails to explicitly require the use of Flat and Nonflat coatings per SDAPCD Rule 67.0.1, the DEIR fails to provide substantial evidence to support the revised individual architectural and area coating emission factors. As such, we cannot verify the changes.

Second, we cannot verify the accuracy of the revised architectural and area coating emission factors based on SDAPCD Rule 67.01 alone. The SDAPCD Rule 67.01 VOC Content of Coatings Table provides the required VOC limits (grams of VOC per liter of coating) for 48 different coating categories (e.g., Aluminum Floor coatings, Faux Finishing Coatings, Fire Resistive Coatings, Multi-Color Coatings, Primers, Sealers, Recycled Coatings, Shellac, Stains, Traffic Marking Coatings, Waterproofing Membranes, Wood Coatings, etc.).⁴ The VOC limits for each coating varies from a minimum value of 50 g/L to a maximum value of 730 g/L. As such, SDAPCD Rule 67.01 fails to substantiate reductions to the default coating values without more information regarding what category of coating will be used. As the DEIR and associated documents fail to explicitly require the use of a specific type of coating, we are unable to verify the revised emission factors assumed in the model.

These unsubstantiated reductions present an issue, as CalEEMod uses the architectural and area coating emission factors to calculate the Project's reactive organic gas/volatile organic compound ("ROG"/"VOC") emissions.⁵ Thus, by including unsubstantiated reductions to the default architectural and area coating emission factors, the model may underestimate the Project's construction-related and operational ROG/VOC emissions and should not be relied upon to determine Project significance.

Underestimated Grading & Architectural Coating Phase Lengths

Review of the CalEEMod output files demonstrates that the "Fenway North Coast Highway 101" model includes the following construction schedule (see excerpt below) (Appendix B, pp. 277, 355; Appendix E, pp. 943):

³ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 12.

⁴ "Rule 67.0.1 Architectural Coatings." SDAPCD, June 2015, available at: https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Rules_and_Regulations/Prohibitions/APCD_R67-0-1.pdf, p. 11-12, Table 1. VOC Content of Coatings.

⁵ CalEEMod User Guide, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 35, 40.

4-AV
cont'd

4-AW

4-AW

Comment Summary:

The commenter states that review of the CalEEMod outputs indicate that the grading and architectural coating phase lengths were underestimated and that the model is inconsistent with the EIR.

Response:

The construction phase lengths and construction equipment list were estimated by the project applicant based on their experience in developing similar projects, including the architectural coating phase. The anticipated construction schedule in EIR Section 2.0, Project Description, is not identical to what was modeled in CalEEMod because CalEEMod does not have all types of phases built in, and therefore phases modeled in CalEEMod combined and/or split some phases. Notwithstanding, regarding the commenter's concern on the extended grading phase, as the construction equipment list modeled was provided by the applicant rather than using CalEEMod default, the daily emissions from grading phase are independent of the phase length, and the longer the grading phase is modeled, the more annual emissions are generated. Therefore, the CalEEMod modeling in the EIR constitutes a conservative analysis.

Further, the air quality and GHG emissions for project construction were remodeled subsequent to public review of the EIR to reflect a revised baseline. Project construction as modeled was estimated to occur over a 16.5-month period and is consistent with that indicated in Section 2.0, Project Description, of the EIR (with overlapping of various phases of construction, as is similarly assumed in the EIR and supporting technical studies).

0.0 Preface

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	9/1/2021	9/30/2021	5	22
2	Grading	Grading	9/16/2021	1/31/2022	5	98
3	Building Construction	Building Construction	11/2/2021	8/31/2022	5	217
4	Architectural Coating	Architectural Coating	5/22/2022	11/22/2022	5	132
5	Paving	Paving	10/5/2022	12/5/2022	5	44

Specifically, the model includes an increase to the default architectural coating phase length (see excerpt below) (Appendix B, pp. 226, 304; Appendix E, pp. 892).

Table Name	Column Name	Default Value	New Value
totConstructionPhase	NumDays	18.00	132.00

Furthermore, the DEIR provides the following anticipated construction schedule (see excerpt below) (p. 2.0-22, Table 2.0-5):

Table 2.0-5 Anticipated Construction Schedule

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

However, the model is inconsistent with the schedule provided in the DEIR for two reasons.

First, the DEIR indicates that the approximate duration of the grading phase is 3.5 months. However, the model includes a grading phase that lasts 4.5 months.

Second, the DEIR fails to mention the architectural coating phase length whatsoever. Thus, the revised length is unsubstantiated, and we cannot verify the change.

These inconsistencies present an issue, as overestimating individual construction lengths improperly spreads out construction emissions over a longer period of time than is actually anticipated. Thus, by overestimating the length of the grading and architectural coating phases, the model underestimates the peak daily construction-related emissions associated with the grading and architectural coating phases and should not be relied upon to determine the significance of the Project's air quality impacts.

Failure to Model Material Import

Regarding the material import and export required for grading, the DEIR states:

4-AX

Comment Summary:

The commenter states that the technical analyses failed to properly model material import and export for project construction and that quantities for export were underestimated, therefore resulting in reduced emissions due to hauling activities.

Response:

The 48,400 cubic yards of sand material that would be exported off-site for beach placement would be generated from grading. As such, the 48,400 cubic yard of material export during grading and the 48,400 cubic yards of sand material to be exported off-site as described in the Project Description refer to the same material. Therefore, they should not be additive, and the material exported volume modeled in CalEEMod is accurate.

4-AW
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4-AX

“Grading would include approximately 50,700 cubic yards (c.y.) of cut and 2,300 c.y. of fill” (p. 2.0-23).

Furthermore, regarding the material export required for the beach sand replenishment, the DEIR states:

“An estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City of Encinitas Sand Compatibility and Opportunistic Use Program (SCOUP)” (p. 2.0-23).

As such, the model should have included 99,100 cubic yards (“cy”) total of material export⁶ and 2,300 cy of material import. However, review of the CalEEMod output files demonstrates that the “Fenway North Coast Highway 101” model includes only 48,400 cy of material export (Appendix B, pp. 226, 304; Appendix E, pp. 892).

Table Name	Column Name	Default Value	New Value
tblGrading	MaterialExported	0.00	48,400.00

As you can see in the excerpt above, the model only includes the amount of material export required for the beach sand replenishment. Thus, as the model fails to include the amount of cut and fill required for grading, the amount of material export and import is underestimated by 53,000 cy in the model.⁷ As such, the model is inconsistent with the information provided in the DEIR.

This underestimation presents an issue, as the inclusion of material import and export within the model is necessary to calculate emissions produced from material movement, including truck loading/unloading and additional hauling truck trips.⁸ Thus, by failing to include the amount of material import or export required for grading, the model underestimates the Project’s construction-related emissions and should not be relied upon to determine Project significance.

Failure to Model All Required Demolition

Review of the CalEEMod output files demonstrates that the “Fenway North Coast Highway 101” model includes 50 default demolition hauling trips (see excerpt below) (Appendix B, pp. 279, 357; Appendix E, pp. 946).

⁶ Calculated: 50,700 cy of material export required for grading + 48,400 cy of material export required for the beach sand replenishment = 99,100 cy of material export total.
⁷ Calculated: 50,700 cy material export + 2,300 cy material import = 53,000 cy material export and import required for grading.
⁸ CalEEMod User’s Guide, available at: <http://www.caleemod.com/>, p. 3, 26.

4-AX
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4-AY

4-AY

Comment Summary:

The commenter states that model inputs underestimated the amount of demolition debris that would be generated with project implementation, and therefore, resulting emissions generated from hauling trips may therefore also be underestimated.

Response:

The number of hauling trips during demolition phase was modeled using the building area (11,000 square feet) of the structures to be demolished. CalEEMod calculated number of hauling trips based on the building area and no changes were made to the default calculated by CalEEMod. Therefore, the modeled number of hauling trips during demolition is appropriate.

0.0 Preface

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number
Demolition	7	18.00	0.00	50.00
Grading	16	40.00	0.00	6,050.00
Building Construction	13	129.00	34.00	0.00
Paving	15	33.00	0.00	0.00
Architectural Coating	1	26.00	0.00	0.00

However, the number of demolition hauling trips is underestimated. According to the CalEEMod User’s Guide:

“Haul trips are based on the amount of material that is demolished, imported or exported assuming a truck can handle 16 cubic yards of material.”⁹

Therefore, CalEEMod calculates a default number of hauling trips based upon the amount of demolition material inputted into the model. Regarding the anticipated amount of demolition, the DEIR states:

“All existing structures on-site would be removed to allow for development as proposed. Approximately 10,681 SF of building area would be demolished, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion, along with all existing surface parking areas. Approximately 5,500 tons of demolition debris would be generated requiring disposal off-site at a disposal facilities that is approved to accept demolition debris waste” (p. 2.0-22, 2.0-23).

As demonstrated above, the model should have included 5,500 tons of demolition debris, which when correctly input into CalEEMod calculates a default demolition hauling trip number of 544 trips. Thus, the number of demolition hauling trips is underestimated by 494 trips,¹⁰ indicating that the model fails to include the total amount of demolition required for the Project.

This underestimation presents an issue, as the amount of demolition material inputted into the model is used by CalEEMod to determine emissions associated with this phase of construction. The three primary operations that generate dust emissions during the demolition phase are mechanical or explosive dismemberment, site removal of debris, and on-site truck traffic on paved and unpaved road.¹¹ Thus, by failing to substantiate the demolition of existing structures, the model may underestimate the Project’s construction-related emissions and should not be relied upon to determine Project significance.

4-AY
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⁹ http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14

¹⁰ Calculated: 544 hauling trips – 50 hauling trips = 490 hauling trips.

¹¹ CalEEMod User Guide, Appendix A, p. 11, available at: <http://www.caleemod.com/>

Unsubstantiated Reductions to Worker and Vendor Trip Numbers

Review of the CalEEMod output files demonstrates that the “Fenway North Coast Highway 101” model includes several changes to the default vendor and worker trip numbers (see excerpt below) (Appendix B, pp. 228, 306; Appendix E, pp. 894).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	VendorTripNumber	36.00	34.00
tblTripsAndVMT	WorkerTripNumber	133.00	129.00
tblTripsAndVMT	WorkerTripNumber	27.00	26.00
tblTripsAndVMT	WorkerTripNumber	38.00	33.00

As you can see in the excerpt above, the vendor and worker trip numbers are reduced in the model. As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹² However, no justification is provided by the “User Entered Comments & Non-Default Data” table (Appendix B, pp. 225, 303; Appendix E, pp. 891). Additionally, the DEIR and associated documents fail to mention or justify the revised vendor and worker trip numbers whatsoever. This is incorrect, as according to the CalEEMod User’s Guide:

“CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA.”¹³

Here, as the DEIR and associated documents fail to provide substantial evidence to support the revised vendor and worker trip numbers, we cannot verify the changes.

These unsubstantiated reductions present an issue, as CalEEMod uses the vendor and worker trip numbers to estimate the construction-related emissions associated with on-road vehicles.¹⁴ Thus, by including unsubstantiated changes to the default vendor and worker trip numbers, the model may underestimate the Project’s mobile-source construction-related emissions and should not be relied upon to determine Project significance.

Unsubstantiated Reduction to Operational Vehicle Emissions Factors

Review of the CalEEMod output files demonstrates that the “Fenway North Coast Highway 101” model includes several changes to the default operational vehicle emission factors (see excerpt below) (Appendix B, pp. 228-273, 306-351; Appendix E, pp. 894-939).

¹² CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

¹³ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 12.

¹⁴ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 34.

4-AZ

4-AAA

4-AZ

Comment Summary:

The commenter states that modeling inputs included unsubstantiated reductions to worker and vendor trip numbers, and therefore, project-related emissions generated by such trips may be underestimated.

Response:

As mentioned, the analysis was updated following public review of the EIR to reflect minor changes to the project design and baseline conditions using CalEEMod 2020.4.0. The issue identified by the commenter is moot with the updated modeling. Impacts remain less than significant.

4-AAA

Comment Summary:

The commenter states that the modeling inputs included unsubstantiated reductions to the default operational vehicle emission factors and that, as a result, project-related mobile-source operational emissions may be underestimated.

Response:

CalEEMod version 2016.3.2 relies on EMFAC2014 emission factors to calculate on-road emissions. However, at the time of the preparation of the EIR, EPA had approved EMFAC2017, which should be used to model on-road emissions. Therefore, EMFAC2017 was used in the modeling to provide an up-to-date and accurate analysis. The detailed methodology for converting EMFAC emission rates into CalEEMod vehicle emission factors is provided in CalEEMod’s User Guide Appendix A, Calculation Details for CalEEMod, Section 5.2. EMFAC2017 specifications included San Diego County for operational year 2023, as well as annual, winter, and summer seasons; these values were

0.0 Preface

Table Name	Column Name	Default Value	New Value
tbVehicleEF	LDA	0.08	0.09
tbVehicleEF	LDA	0.03	0.04
tbVehicleEF	LDA	0.02	7.5890e-003
tbVehicleEF	LDA	0.03	0.20
tbVehicleEF	LDA	0.10	0.20
tbVehicleEF	LDA	2.4840e-003	2.5050e-003
tbVehicleEF	LDA	5.6600e-004	5.1000e-004

Note: This image only captures a handful of the changes to the Vehicle Emission Factors throughout all models.

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.¹⁵ According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "EMFAC2017" (Appendix B, pp. 225, 303; Appendix E, pp. 891). Furthermore, the Air Quality Technical Memorandum ("AQ Memo"), provided in the AQA, states:

"Project-generated vehicle emissions were estimated using CalEEMod as well as the CARB's Emission FACTor Model 2017 (EMFAC2017)" (Appendix B, pp. 211).

However, this justification is insufficient, as EMFAC refers to an entire database, not a specific set of vehicle emission factors.¹⁶ Thus, the DEIR and associated documents should have specified which input parameters were used to obtain the vehicle emission factors inputted in the model, or provided the revised vehicle emission factors themselves. Absent additional information regarding the specific input parameters used to obtain the revised emission factors, we cannot verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses vehicle emission factors to calculate the Project's operational emissions associated with on-road vehicles.¹⁷ Thus, by including several unsubstantiated changes to the default operational vehicle emission factors, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Incorrect Application of Operational Mitigation Measures

Review of the CalEEMod output files demonstrates that the "Fenway North Coast Highway 101" model includes the following energy-, water-, and waste-related operational mitigation measures (see excerpt below) (Appendix B, pp. 295, 300, 373, 378, 962, 969, 970):

¹⁵ CalEEMod User's Guide available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
¹⁶ "EMFAC2017 Web Database." CARB, available at: <https://arb.ca.gov/emfac/2017/>.
¹⁷ CalEEMod User's Guide, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 35.

4-AAA
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4-AAB

incorporated into the CalEEMod output provided in the EIR. SDAPCD recommends all projects utilize EMFAC2017 emission rates within CalEEMod. Therefore, the vehicle emission factors used to calculate the project's operational mobile emissions are considered sufficient and no changes are necessary in this regard.

Nonetheless, the CalEEMod version 2020.4.0 was used in updating the technical analyses subsequent to public review of the EIR (for the revised baseline). This version of CalEEMod relies on EMFAC2017 emissions factors. Therefore, no user input on EMFAC emissions factors was needed for modeling of the project.

4-AAB

Comment Summary:

The commenter states that certain modeling inputs included incorrect application of operational measures related to energy, water and waste that are unsupported, and that the EIR fails to include such "project design features (PDFs)" as formal mitigation measures. The commenter states that implementation of such operational measures therefore cannot be guaranteed, and therefore, project-related operational emissions may be underestimated.

Response:

The sustainability features mentioned by the commenter are design elements incorporated into the project design in order to ensure that the project meets local and state mandates for energy efficient building construction. As elements of the project design and required by applicable regulations, they are not codified in CEQA as mitigation measures. The assertion that the project's energy efficiency design components may somehow be eliminated because they are not included as mitigation measures is unfounded, speculative, and runs contrary to CEQA's construct. Any substantial changes to the project as

Energy-Related Mitigation Measures:

5.1 Mitigation Measures Energy

Exceed Title 24

Install High Efficiency Lighting

Water-Related Mitigation Measures:

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Use Water Efficient Irrigation System

Waste-Related Mitigation Measure:

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.¹⁸ According to the "User Entered Comments & Non-Default Data" table, the justifications provided for the inclusion of the energy- and waste- related operational mitigation measures are:

- "2019 Title 24. Applicant will install high efficiency lighting"
- "AB 341," respectively (Appendix B, pp. 225, 303; Appendix E, pp. 891).

However, no justification is provided by the "User Entered Comments & Non-Default Data" table for the water-related operational mitigation measure. Furthermore, regarding energy-related project design features ("PDFs"), the DEIR states:

"All lighting for the project would be designed using LED technology for both indoor and outdoor areas (5 percent over Title 24 Standards)" (p. 2.0-18).

Additionally, regarding water-related PDFs, the DEIR states:

"The project would install low flow water fixtures in all residential apartment units, the hotel, and public restroom facilities within the mixed-use commercial development area" (p. 2.0-18).

Finally, regarding waste-related PDFs, the DEIR states:

¹⁸ CalEEMod User's Guide, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

4-AAB
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proposed, such as the elimination of energy efficiency design measures that are required by regulation, would trigger additional review under CEQA.

“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” (p. 2.0-19).

However, the inclusion of the above-mentioned operational mitigation measures is unsupported, as the DEIR fails to include the above-mentioned PDFs as formal mitigation measures. According to the Association of Environmental Professionals (“AEP”) *CEQA Portal Topic Paper* on mitigation measures:

“While not “mitigation”, a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact.”¹⁹

As you can see in the excerpt above, PDFs that are not formally included as mitigation measures may be eliminated from the Project’s design altogether. Thus, as the energy, water-, and waste-related operational measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. By including energy-, water-, and waste-related operational mitigation measures without properly committing to their implementation, the model may underestimate the Project’s operational emissions and should not be relied upon to determine Project significance.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project’s construction-related and operational emissions, we prepared updated an CalEEMod model, using the Project-specific information provided by the DEIR. In our updated model, we omitted the unsubstantiated changes to the architectural and area coating emission factors, architectural coating phase length, vendor and worker trip numbers, and operational vehicle emission factors; included the correct grading construction phase length, amount of demolition debris, and amount of material import and export as indicated by the DEIR; and excluded the incorrect operational mitigation measures (see Attachment A).

Our updated analysis estimates that the ROG emissions associated with Project construction exceed the applicable SDAPCD thresholds of 137-pounds per day (“lbs/day”), as referenced by the DEIR (p. 3.2-14, Table 3.2-5) (see table below).

4-AAB
cont'd

4-AAC

4-AAC

Comment Summary:

The commenter states that, based on modeling prepared by SWAPE using CalEEMod, ROG emissions associated with project construction would exceed applicable SDAPCD thresholds and that a significant impact would occur.

Response:

See Response to Comment 4-AW, above, concerning project construction phase length. The substantially increased ROG emissions as determined by the commenter primarily result due to the significantly shortened architectural coating phase. As stated, project construction emissions were remodeled to reflect an updated baseline condition subsequent to public review of the Draft EIR. Based on the CalEEMod version 2020.4.0 modeling, as shown in Section 3.2, Air Quality, of the EIR, a significant impact would not occur relative to ROG emissions as construction emissions would not exceed the adopted threshold.

¹⁹ “CEQA Portal Topic Paper Mitigation Measures.” AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 6.

Model	ROG
DEIR	14.03
SWAPE	181.61
% Increase	1,194%
SDAPCD Regional Threshold (lbs/day)	137
Threshold Exceeded?	Yes

As you can see in the excerpt above, construction-related ROG emissions estimated by SWAPE increase by approximately 1,194% and exceed the applicable SDAPCD significance thresholds. Thus, our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. As a result, an updated EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the Project would have a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis (“HRA”) (p. 3.2-17, 3.2-18). Regarding the health risk impacts associated with Project construction, the DEIR states:

“The closest sensitive receptors to the project site are multi-family residential development located adjacent to the west and south of the project site. However, health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to occur well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard. Therefore, construction of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors” (p. 3.2-17).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant construction-related health risk impact because the short-term construction duration would result in negligible amounts of diesel particulate matter (“DPM”). Furthermore, regarding the health risk impacts associated with Project operation, the DEIR states:

“The project would construct mixed-use buildings including residential use, office, retail, restaurant, and hotel and would result in very limited operational activities with potential health risks, including landscaping maintenance operations and boilers for restaurants. None of these activities would result in the generation of excessive TAC emissions, or associated health risks from the project’s operation. Therefore, operation of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors and the impact would be less than significant” (p. 3.2-18).

4-AAC
cont'd

4-AAD

4-AAD

Comment Summary:

The commenter states that the health risk from diesel particulate matter (DPM) emissions were inadequately evaluated and that a significant impact may result.

Response:

The commenter asserts that the evaluation of the project’s potential health risk impacts and the subsequent less-than-significant impact conclusion is incorrect, and the commenter’s updated analysis indicates significant health risk impact.

The commenter states that the project should prepare a construction Health Risk Assessment (HRA). The primary purpose of an HRA is to determine long-term health risks, such as cancer risks over, for example, a 30-year residency or 70-year lifetime. As discussed in the EIR, construction of the project would cease upon completion and not last for 30-years. Exposure to construction emissions during the 16.5 months of construction would not create long-term health effects to adjacent sensitive receptors. Additionally, the City follows SDAPCD guidance for air quality analysis. SDAPCD’s Health Risk Assessment procedures recommend evaluating risk from extended exposures measured across several years and not for short-term construction exposures.

Nonetheless, the construction diesel particulate matter (DPM) emissions calculation performed by the commenter is flawed. The commenter incorrectly used the total DPM emissions during construction, which included both on-site and off-site emissions. However, off-site emissions should be excluded because it would not cause localized impacts or health risk impacts on sensitive receptors near the project site. The commenter’s methodology caused

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant operational health risk impact because Project operation would not include activities that would expose sensitive receptors to substantial toxic air contaminant (“TAC”) emissions. However, the DEIR’s evaluation of the Project’s potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction and operational HRA, the Project is inconsistent with CEQA’s requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. This is incorrect, as construction of the proposed Project would produce DPM emissions through the exhaust stacks of construction equipment over a potential construction period of 460 days (Appendix B, pp. 277, 355; Appendix E, pp. 943). Furthermore, the DEIR indicates that the Project would generate approximately 1,963 average daily vehicle trips, which would generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions during Project operation (p. 3.5-20). However, the DEIR fails to evaluate Project-generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project’s construction-related and operational TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA’s requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the DEIR’s conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments in February 2015.²⁰ This guidance document describes the types of projects that warrant the preparation of an HRA. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the Project’s construction duration exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold warranting a quantified HRA under OEHHA guidance. Furthermore, the OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (“MEIR”). Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions be included in an updated EIR for the Project.

²⁰ “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

4-AAD
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overestimation of DPM emissions and associated health risks. Furthermore, the commenter used potential health risks on infants to conclude the significant impacts, which is inappropriate. Because cancer risk is presented as the likelihood of contracting cancer, only looking at infants does not accurately show the overall likelihood of contracting cancer for the population in the project area.

The commenter also states that the project should prepare an operational HRA. The project is a mixed-use development comprising of residential and general light commercial uses, including retails, offices, artist studios, restaurants, and a hotel. None of these uses are identified by CARB to generate excessive DPM emissions (CARB, Air Quality and Land Use Handbook, Table 1-1). In addition, similar to the construction HRA, the operational DPM emissions calculation performed by the commenter is flawed, as it incorrectly used the total DPM emissions during operation, which included both on-site and off-site emissions. However, off-site emissions should be excluded because it would not cause localized impacts or health risk impacts on sensitive receptors near the project site. The commenter’s methodology caused overestimation of DPM emissions and associated health risks.

In addition, the commenter combined construction and operational health risks. This methodology is inaccurate. Office of Environmental Health Hazard Assessment’s (OEHHA) Guidance Manual does not require or recommend adding construction and operation cancer risks. It should also be noted that project construction and operation would not occur simultaneously, and sensitive receptors would not be exposed to both construction and operational toxic air contaminants at the same time. Therefore, adding construction and operational cancer risks together causes double-counting and overestimates the cancer risks that nearby sensitive receptors would be exposed to.

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the excess health risk impact to the SDAPCD’s specific numeric threshold of 10 in one million.²¹ Thus, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

Screening-Level Analysis Demonstrates Significant Impacts

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.²² The model replaced SCREEN3, and AERSCREEN is included in the OEHHA²³ and the California Air Pollution Control Officers Associated (“CAPCOA”)²⁴ guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSA”). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project’s construction and operational health risk impact to residential sensitive receptors using the annual PM₁₀ exhaust estimates from the DEIR’s CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. The DEIR’s CalEEMod model indicates that construction activities will generate approximately 375 pounds of DPM over the 460-day construction period.²⁵ The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{375.5 \text{ lbs}}{460 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.00429 \text{ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00429 grams per second (“g/s”). Subtracting the 460-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project’s operational DPM for an additional 28.74 years. The DEIR’s operational CalEEMod emissions indicate that operational activities will generate approximately 55 pounds of DPM per year throughout operation. Applying the

²¹ REGULATION XII. TOXIC AIR CONTAMINANTS, San Diego Air Pollution Control District, available at: https://www.sdapcd.org/content/dam/sdc/apcd/PDF/Misc/APCD_R1200.pdf, p. 6.

²² U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

²³ OEHHA (February 2015) Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

²⁴ CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

²⁵ See Attachment B for calculations.



It should be noted that the commenter repeatedly cites methods and protocols identified in OEHHA’s Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments (2015). The 231 pages of Guidelines and accompanying hundreds of pages of appendices make no mention of CEQA because they were not intended for that purpose. The Guidelines were in response to a need to standardize and formalize procedures for the preparation of HRA’s as implemented and overseen by air districts in response to the Air Toxics Hot Spots Information and Assessment Act of 1987. This Act came about to better regulate “specific sources of hazardous materials” and employs air districts to prioritize the types of facilities that require HRAs and emission inventory requirements.

The proposed project, characterized as a mixed-use retail, residential, and boutique hotel project, simply does not rise to anywhere near a level that would make it a priority for a HRA, as a large industrial facility might. In fact, the impetus of the Act was to better regulate chemical manufacturers and facilities that use hazardous substances in large quantities. As would be expected in accordance with the scope and intent of this law, the Guidelines and modeling techniques consider such inputs as how many “stacks” a facility has, quantities of hazardous materials routinely used and emitted during facility operations, and whether the facility has an on-site day care operation for worker children.

Another resource referenced by the commenter in support of their assertions related to modeling inputs and methods is the 2009 CAPCOA Health Risk Assessments for Proposed Land Use Projects. However, what is not mentioned by the commenter is that the very first page of the Executive Summary as well as Section 2.0 Overview of the Process, clearly identifies a list of project types that have potential to cause long-term public health risk impacts and thus warrant the preparation of a HRA to be included in a CEQA document. These project types include

0.0 Preface

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the excess health risk impact to the SDAPCD's specific numeric threshold of 10 in one million.²¹ Thus, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

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Screening-Level Analysis Demonstrates Significant Impacts

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We prepared a preliminary HRA of the Project's construction and operational health risk impact to residential sensitive receptors using the annual PM₁₀ exhaust estimates from the DEIR's CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. The DEIR's CalEEMod model indicates that construction activities will generate approximately 375 pounds of DPM over the 460-day construction period.²⁵ The AERSCREEN model relies on a continuous average emission rate to simulate maximum downwind concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

4-AAE

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{375.5 \text{ lbs}}{460 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lb}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.00429 \text{ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00429 grams per second ("g/s"). Subtracting the 460-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 28.74 years. The DEIR's operational CalEEMod emissions indicate that operational activities will generate approximately 55 pounds of DPM per year throughout operation. Applying the

²¹ REGULATION XII. TOXIC AIR CONTAMINANTS, San Diego Air Pollution Control District, available at: https://www.sdapcd.org/content/dam/sdc/apcd/PDF/Misc/APCD_R1200.pdf, p. 6.

²² U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

²³ OEHHA (February 2015) Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

²⁴ CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

²⁵ See Attachment B for calculations.

the following: power plants; gas stations; asphalt batch plants; warehouse distribution centers; quarry operations; and other stationary sources that emit toxic substances. The proposed project does not fall into any of these clearly industrial categories.

In conclusion, based on the type of land uses proposed and industry-accepted guidelines, it is not reasonably foreseeable that the project would result in significant health risk impacts, and the preparation of an HRA is not warranted.

4-AAE

Comment Summary:

The commenter states that the preliminary screening level health risk assessment prepared by SWAPE determined that a significant impact may occur, contrary to the less than significant finding concluded in the EIR.

Response:

See Response to Comment 4-AAD, above.

same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{54.6 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.000785 \text{ g/s}$$

Using this equation, we estimated an operational emission rate of 0.000785 g/s. Construction and operation were simulated as a 3.8-acre rectangular area source in AERSCREEN, with approximate dimensions of 175.4 meters by 87.69 meters. A release height of three meters was selected to represent the height of stacks of operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project Site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant to be estimated by multiplying the single-hour concentration by 10%.²⁶ According to the DEIR the closest sensitive receptors are located directly adjacent to the west and south of the Project site (p. 3.2-17). However, review of the AERSCREEN output files demonstrates that the maximally exposed individual resident ("MEIR") is located approximately 75 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 8.757 µg/m³ DPM at approximately 75 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.8757 µg/m³ for Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 1.605 µg/m³ DPM at approximately 75 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1605 µg/m³ for Project operation at the MEIR.

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA, as recommended by SDAPCD.²⁷ Consistent with the 460-day construction schedule, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years) and the first 1.01 years of the infantile stage of life (0 – 2 years). The annualized average concentration for operation was used for the remainder of the 30-year exposure period, which makes up the latter 0.99 years of the infantile stage of life, as well as the entire child stage of life (2 – 16 years) and adult stage of life (16 – 30 years).

Consistent with OEHHA guidance, as recommended by SDAPCD, we used Age Sensitivity Factors ("ASF(s)") to account for the heightened susceptibility of young children to the carcinogenic toxicity of

²⁶ U.S. EPA (October 1992) Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised, http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf.

²⁷ "Supplemental Guidelines for Submission of Rule 1200 Health Risk Assessments (HRAs)," SDAPCD, July 2019, available at: https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Toxics_Program/APCD_1200_Supplemental_Guidelines.pdf.

4-AAE
cont'd

0.0 Preface

air pollution.^{28, 29} According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) as well as multiplied by a factor of three during the child stage of life (2 – 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.³⁰ Finally, consistent with OEHHA guidance, we used a Fraction of Time At Home (“FAH”) Value of 1 for the 3rd trimester and infant receptors.³¹ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown in the tables below.

The Maximally Exposed Individual at an Existing Residential Receptor

Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk (without ASFs*)	ASF	Cancer Risk (with ASFs*)
3rd Trimester	Construction	0.25	0.8757	361	1.19E-06	10	1.19E-05
	Construction	1.01	0.8757	1090	1.45E-05		
	Operation	0.99	0.1605	1090	2.61E-06		
Infant (Age 0 - 2)	Total	2			1.71E-05	10	1.71E-04
Child (Age 2 - 16)	Operation	14	0.1605	572	1.94E-05	3	5.81E-05
Adult (Age 16 - 30)	Operation	14	0.1605	261	6.45E-06	1	6.45E-06
Lifetime		30			4.41E-05		2.48E-04

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

As demonstrated in the table above, the excess cancer risks for the 3rd trimester of pregnancy, infants, children, and adults at the MEIR located approximately 75 meters away, over the course of Project construction and operation, utilizing ASFs, are approximately 11.9, 171, 58.1 and 6.45 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years), utilizing ASFs, is

²⁸ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

²⁹ “Supplemental Guidelines for Submission of Rule 1200 Health Risk Assessments (HRAs).” SDAPCD, July 2019, available at: https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Toxics_Program/APCD_1200_Supplemental_Guidelines.pdf.

³⁰ SCAQMD (Jun 2015) Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics ‘Hot Spots’ Information and Assessment Act, p. 19, <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>; see also OEHHA (Feb 2015) Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

³¹ SCAQMD (Aug 2017) Risk Assessment Procedures for Rules 1401, 1401.1, and 212, p. 7, http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf.

4-AAE
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approximately 248 in one million. The 3rd trimester of pregnancy, infant, childhood, and lifetime cancer risks exceed the SDAPCD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

Utilizing ASFs is the most conservative, health-protective analysis according to the most recent guidance by OEHHA and reflects recommendations from the air district. Results without ASFs are presented in the table above, although we do not recommend utilizing these values for health risk analysis. Regardless, the excess cancer risks for the 3rd trimester of pregnancy, infants, children, and adults at the MEIR located approximately 75 meters away, over the course of Project construction and operation, without ASFs, are approximately 0.119, 17.1, 19.4, and 6.45 in one million, respectively. The excess cancer risk over the course of a residential lifetime, without ASFs, is approximately 44.1 in one million. The infant, child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR. While we recommend the use of ASFs, the Project’s cancer risk without ASFs, as estimated by SWAPE, exceeds the SCAQMD threshold regardless.

An agency must include an analysis of health risks that connects the Project’s air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project’s emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Thus, an updated EIR should be prepared, including a quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR concludes that the Project would result in a less-than-significant greenhouse gas (“GHG”) emissions impact after the implementation of mitigation measure (“MM”) GHG-1 (p. 3.5-22). Specifically, MM GHG-1 states:

“GHG-1 Purchase and Retire Greenhouse Gas (GHG) Offsets. The applicant or its designee shall purchase and retire greenhouse gas offsets to reduce the project’s GHG emissions level to 2.7 metric tons carbon dioxide equivalent (MTCO2e) per service population per year, consistent with the performance standards and requirements set forth below.

- The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.
- The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.

4-AAE
cont'd

4-AAF

4-AAF

Comment Summary:

The commenter states that the EIR fails to adequately evaluate GHG impacts and recommends that the project “incorporate additional mitigation measures to reduce actual project-generated GHG emissions to below threshold levels.” The commenter states that the EIR fails to implement any additional mitigation measures other than GHG-1 (as proposed) to reduce localized GHG emissions.

Response:

See detailed Response to Comment 4-AAG, below.

0.0 Preface

- Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this memorandum, the applicant may prepare a final project GHG emissions inventory prior to City of Encinitas issuance of building permits. The inventory shall be subject to verification by a City-approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation prior to completion of the project” (p. 3.5-22).

However, while we agree that the Project would result in a less-than-significant GHG impact after implementation of MM GHG-1, we recommend the Project incorporate additional mitigation measures in an effort to reduce actual Project-generated GHG emissions to below threshold levels. As previously stated, according to CEQA Guidelines § 15096(g)(2):

“When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.”

As demonstrated above, the CEQA Guidelines clearly state that all available, feasible, mitigation must be considered for Project approval. Here, while the DEIR implements MM GHG-1, which will facilitate the acquisition of GHG offsets, the DEIR fails to implement any additional mitigation measures to reduce localized GHG emissions (p. 3.5-22). To reduce the Project’s GHG impacts to the maximum extent possible, an updated DEIR should be prepared which incorporates additional feasible mitigation measures.

Design Features Should Be Included as Mitigation Measures

Our analysis demonstrates that the Project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further. First, we recommend that the Project implements all PDFs, such as the sustainable development features described in the “Sustainability” section of the Project Description, as formal mitigation measures (p. 2.0-18 – 2.0-20). As a result, we could guarantee that these measures would be implemented, monitored, and enforced on the Project site. Including formal mitigation measures by properly committing to their implementation would result in verifiable emissions reductions that may help reduce emissions to less-than-significant levels.

Second, in an effort to reduce the Project’s emissions, we identified several mitigation measures that are applicable to the proposed Project. Therefore, to reduce the Project’s emissions, we recommend consideration of SCAG’s 2020 RTP/SCS PEIR’s Air Quality Project Level Mitigation Measures (“PMM-AQ-1”) and Greenhouse Gas Project Level Mitigation Measures (“PMM-GHG-1”), as described below:³²

³² “4.0 Mitigation Measures.” Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: <https://scag.ca.gov/sites/main/files/file->

4-AAF
cont'd

4-AAG

4-AAG

Comment Summary:

The commenter states that the additional analysis performed by SWAPE demonstrates that the project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further through adoption of additional mitigation measures, such as “sustainable development features” identified in the EIR Project Description or SCAG’s RTP/SCS PEIR’s Air Quality Project Level Mitigation Measures and Greenhouse Gas Project Level Mitigation Measures.

Response:

The project has incorporated all feasible and applicable GHG reduction and sustainability measures in project design features, including exceeding Title 24 standards, installing high efficiency LED lighting, generating renewable solar energy on-site, using high energy efficiency appliances, prohibiting natural gas in residential units, providing bicycle parking and electric vehicle charging stations on-site to encourage alternative transportation mode and use of clean energy vehicles, installing low-flow water fixtures, and recycling and composting solid waste. No further measures were deemed necessary.

The measures listed by the commenter above are either air quality measures that do not affect GHG emissions, or have already been incorporated as project design features, or are not applicable to the project. Therefore, purchasing GHG offsets as required by EIR mitigation measure GHG-1 is appropriate to reduce project GHG emissions to a less than significant level.

SCAG RTP/SCS 2020-2045
Air Quality Project Level Mitigation Measures – PMM-AQ-1:
In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i> , a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
a) Minimize land disturbance.
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.
c) Cover trucks when hauling dirt.
d) Stabilize the surface of dirt piles if not removed immediately.
e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
f) Minimize unnecessary vehicular and machinery activities.
g) Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.
i) On Caltrans projects, Caltrans Standard Specifications 10-Dust Control, 17-Watering, and 18-Dust Palliative shall be incorporated into project specifications.
j) Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet.
k) Ensure that all construction equipment is properly tuned and maintained.
l) Minimize idling time to 5 minutes—saves fuel and reduces emissions.
m) Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
o) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

4-AAG
cont'd

[attachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420](https://scag.ca.gov/peir/attachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420), p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, available at: <https://scag.ca.gov/peir>.

0.0 Preface

q) Require projects within 500 feet of residences, hospitals, or schools to use Tier 4 equipment for all engines above 50 horsepower (hp) unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.
r) Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.
s) Projects located within AB 617 communities should review the applicable Community Emissions Reduction Plan (CERP) for additional mitigation that can be applied to individual projects.
t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
u) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).
v) As applicable for airport projects, the following measures should be considered...
w) As applicable for port projects, the following measures should be considered...
x) As applicable for rail projects, the following measures should be considered...
y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.
aa) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities.
bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible [...]
<ul style="list-style-type: none"> - Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85% - Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%. - Nonroad diesel engines on site shall be Tier 2 or higher. - Diesel nonroad construction equipment on site for more than 10 total days shall have either (1) engines meeting EPA Tier 4 nonroad emissions standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines for 50 hp and greater and by a minimum of 20% for engines less than 50 hp. - Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer. - Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less. - The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: <ul style="list-style-type: none"> i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.

4-AAG
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- The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
 - The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes:
 - i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
 - ii. Any problems with the equipment or emission controls.
 - iii. Certified copies of fuel deliveries for the time period that identify:
 - 1. Source of supply
 - 2. Quantity of fuel
 - 3. Quantity of fuel, including sulfur content (percent by weight)
- cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:
- Install programmable thermostat timers
 - Obtain Third-party HVAC commissioning and verification of energy savings (to be grouped with exceedance of Title 24).
 - Install energy efficient appliances (Typical reductions for energy-efficient appliances can be found in the Energy Star and Other Climate Protection Partnerships Annual Reports.)
 - Install higher efficacy public street and area lighting
 - Limit outdoor lighting requirements
 - Replace traffic lights with LED traffic lights
 - Establish onsite renewable or carbon neutral energy systems
 - generic, solar power and wind power
 - Utilize a combined heat and power system
 - Establish methane recovery in Landfills and Wastewater Treatment Plants.
 - Locate project near bike path/bike lane
 - Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
 - Provide traffic calming measures, such as:
 - i. Marked crosswalks
 - ii. Count-down signal timers
 - iii. Curb extensions iv. Speed tables
 - iv. Raised crosswalks
 - v. Raised intersections
 - vi. Median islands
 - vii. Tight corner radii
 - viii. Roundabouts or mini-circles
 - ix. On-street parking
 - x. Chicanes/chokers
 - Create urban non-motorized zones
 - Provide bike parking in non-residential and multi-unit residential projects
 - Dedicate land for bike trails
 - Limit parking supply through:
 - i. Elimination (or reduction) of minimum parking requirements
 - ii. Creation of maximum parking requirements
 - iii. Provision of shared parking
 - Require residential area parking permit.
 - Provide ride-sharing programs
 - i. Designate a certain percentage of parking spacing for ride sharing vehicles

4-AAG
cont'd

<ul style="list-style-type: none"> ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles iii. Providing a web site or messaging board for coordinating rides iv. Permanent transportation management association membership and finding requirement.
<p>Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1</p> <p>In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i>, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:</p>
<p>a) Integrate green building measures consistent with CALGreen (California Building Code Title 24), local building codes and other applicable laws, into project design including</p> <ul style="list-style-type: none"> i. Use energy efficient materials in building design, construction, rehabilitation, and retrofit. ii. Install energy-efficient lighting, heating, and cooling systems (cogeneration); water heaters; appliances; equipment; and control systems. iii. Reduce lighting, heating, and cooling needs by taking advantage of light-colored roofs, trees for shade, and sunlight. iv. Incorporate passive environmental control systems that account for the characteristics of the natural environment. v. Use high-efficiency lighting and cooking devices. vi. Incorporate passive solar design. vii. Use high-reflectivity building materials and multiple glazing. viii. Prohibit gas-powered landscape maintenance equipment. ix. Install electric vehicle charging stations. x. Reduce wood burning stoves or fireplaces. xi. Provide bike lanes accessibility and parking at residential developments.
<p>b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.</p>
<p>c) Include off-site measures to mitigate a project's emissions.</p>
<p>d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:</p> <ul style="list-style-type: none"> i. Use energy and fuel-efficient vehicles and equipment; ii. Deployment of zero- and/or near zero emission technologies; iii. Use lighting systems that are energy efficient, such as LED technology; iv. Use the minimum feasible amount of GHG-emitting construction materials; v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production; vi. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse; vii. Incorporate design measures to reduce energy consumption and increase use of renewable energy; viii. Incorporate design measures to reduce water consumption; ix. Use lighter-colored pavement where feasible; x. Recycle construction debris to maximum extent feasible; xi. Plant shade trees in or near construction projects where feasible; and

4-AAG
cont'd

<p>xii. Solicit bids that include concepts listed above.</p>
<p>e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:</p> <ul style="list-style-type: none"> i. Promote transit-active transportation coordinated strategies; ii. Increase bicycle carrying capacity on transit and rail vehicles; iii. Improve or increase access to transit; iv. Increase access to common goods and services, such as groceries, schools, and day care; v. Incorporate affordable housing into the project; vi. Incorporate the neighborhood electric vehicle network; vii. Orient the project toward transit, bicycle and pedestrian facilities; viii. Improve pedestrian or bicycle networks, or transit service; ix. Provide traffic calming measures; x. Provide bicycle parking; xi. Limit or eliminate park supply; xii. Unbundle parking costs; xiii. Provide parking cash-out programs; xiv. Implement or provide access to commute reduction program;
<p>f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;</p>
<p>g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and</p>
<p>h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:</p> <ul style="list-style-type: none"> i. Provide car-sharing, bike sharing, and ride-sharing programs; ii. Provide transit passes; iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services; iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle; v. Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms; vi. Provide employee transportation coordinators at employment sites; vii. Provide a guaranteed ride home service to users of non-auto modes.
<p>i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;</p>
<p>j) Land use siting and design measures that reduce GHG emissions, including:</p> <ul style="list-style-type: none"> i. Developing on infill and brownfields sites; ii. Building compact and mixed-use developments near transit; iii. Retaining on-site mature trees and vegetation, and planting new canopy trees; iv. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and v. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

4-AAG
 cont'd

0.0 Preface

k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.
l) Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
m) Encourage telecommuting and alternative work schedules, such as: <ul style="list-style-type: none"> i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: <ul style="list-style-type: none"> i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
o) Implement preferential parking permit program
p) Implement school pool and bus programs
q) Price workplace parking, such as: <ul style="list-style-type: none"> i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

4-AAG
cont'd

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

4-AAH

4-AAH

Comment Summary:

The commenter provides a disclaimer as to the comments and findings provided.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: CalEEMod Output Files
Attachment B: Health Risk Calculations
Attachment C: AERSCREEN Output Files
Attachment D: Matt Hagemann CV
Attachment E: Paul E. Rosenfeld CV

4-AAI

Comment Summary:

This comment (Attachments A to D of “Exhibit D”) provides supporting documentation relative to the comments provided in the letter.

Response:

The information provided does not raise any specific environmental concerns nor address the adequacy of the EIR.

Attachment A

CalEEMod Version: CalEEMod.2016.3.2

Page 1 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

Fenway North Coast Highway 101
San Diego County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Office Building	3.64	1000sqft	0.08	3,638.00	0
Enclosed Parking with Elevator	216.00	Space	0.00	78,158.00	0
Parking Lot	42.00	Space	0.38	16,800.00	0
City Park	0.65	Acre	0.65	28,200.00	0
High Turnover (Sit Down Restaurant)	3.90	1000sqft	0.00	3,905.00	0
Hotel	30.00	Room	0.50	18,109.00	0
Quality Restaurant	2.13	1000sqft	0.00	2,134.00	0
Apartments Low Rise	94.00	Dwelling Unit	2.19	73,284.00	269
Strip Mall	8.58	1000sqft	0.00	8,584.00	0

4-AAI

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.6	Precipitation Freq (Days)	40
Climate Zone	13			Operational Year	2023
Utility Company	San Diego Gas & Electric				
CO2 Intensity (lb/MWhr)	720.49	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

CalEEMod Version: CalEEMod.2016.3.2

Page 2 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

Project Characteristics -

Land Use - Consistent with the DEIR's model.

Construction Phase - See SWAPE comment on "Unsubstantiated Changes to Grading & Architectural Coating Phase Lengths"

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Trips and VMT - See SWAPE comment on "Unsubstantiated Reductions to Worker and Vendor Trip Numbers"

Demolition - See SWAPE comment on "Failure to Model All Demolition"

Grading - See SWAPE comment on "Failure to Model Material Import"

Architectural Coating - See SWAPE comment on "Unsubstantiated Reductions to Architectural and Area Coating Areas and Emissions Factors"

Vehicle Trips - Consistent with the DEIR's model.

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Construction Off-road Equipment Mitigation -

Area Mitigation -

Fleet Mix - Consistent with the DEIR's model.

4-AAI
cont'd

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	217.00
tblConstructionPhase	NumDays	20.00	22.00
tblConstructionPhase	NumDays	8.00	77.00
tblConstructionPhase	NumDays	18.00	44.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.60	0.00

Fenway North Coast Highway 101 - San Diego County, Annual

tblFleetMix	LDT1	0.04	0.00
tblFleetMix	LDT2	0.18	0.00
tblFleetMix	LHD1	0.01	0.00
tblFleetMix	LHD2	5.4350e-003	0.00
tblFleetMix	MCY	5.9380e-003	0.00
tblFleetMix	MDV	0.10	0.00
tblFleetMix	MH	1.0560e-003	0.00
tblFleetMix	MHD	0.02	0.00
tblFleetMix	OBUS	1.9340e-003	0.00
tblFleetMix	SBUS	7.5700e-004	0.00
tblFleetMix	UBUS	1.8880e-003	0.00
tblGrading	MaterialExported	0.00	99,100.00
tblGrading	MaterialImported	0.00	2,300.00
tblLandUse	LandUseSquareFeet	3,640.00	3,638.00
tblLandUse	LandUseSquareFeet	86,400.00	78,158.00
tblLandUse	LandUseSquareFeet	28,314.00	28,200.00
tblLandUse	LandUseSquareFeet	3,900.00	3,905.00
tblLandUse	LandUseSquareFeet	43,560.00	18,109.00
tblLandUse	LandUseSquareFeet	2,130.00	2,134.00
tblLandUse	LandUseSquareFeet	94,000.00	73,284.00
tblLandUse	LandUseSquareFeet	8,580.00	8,584.00
tblLandUse	LotAcreage	1.94	0.00
tblLandUse	LotAcreage	0.09	0.00
tblLandUse	LotAcreage	1.00	0.50
tblLandUse	LotAcreage	0.05	0.00
tblLandUse	LotAcreage	5.88	2.19
tblLandUse	LotAcreage	0.20	0.00

4-AAI
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Fenway North Coast Highway 101 - San Diego County, Annual

tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
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tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblVehicleTrips	HO_TTP	39.60	39.50
tblVehicleTrips	HS_TTP	18.80	18.90
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	44.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PR_TP	86.00	89.00
tblVehicleTrips	PR_TP	77.00	81.00
tblVehicleTrips	PR_TP	37.00	80.00

4-AAI
 cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

tblVehicleTrips	PR_TP	58.00	62.00
tblVehicleTrips	PR_TP	38.00	82.00
tblVehicleTrips	PR_TP	45.00	60.00
tblVehicleTrips	ST_TR	7.16	6.00
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	19.24
tblVehicleTrips	ST_TR	158.37	141.10
tblVehicleTrips	ST_TR	8.19	10.00
tblVehicleTrips	ST_TR	94.36	87.82
tblVehicleTrips	ST_TR	42.04	33.95
tblVehicleTrips	SU_TR	6.07	6.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	19.24
tblVehicleTrips	SU_TR	131.84	141.10
tblVehicleTrips	SU_TR	5.95	10.00
tblVehicleTrips	SU_TR	72.16	87.82
tblVehicleTrips	SU_TR	20.43	33.95
tblVehicleTrips	WD_TR	6.59	6.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	19.24
tblVehicleTrips	WD_TR	127.15	141.10
tblVehicleTrips	WD_TR	8.17	10.00
tblVehicleTrips	WD_TR	89.95	87.82
tblVehicleTrips	WD_TR	44.32	33.95

4-AAI
cont'd

2.0 Emissions Summary

Fenway North Coast Highway 101 - San Diego County, Annual

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.3210	4.5807	2.7854	0.0104	0.2839	0.1226	0.4064	0.0593	0.1135	0.1728	0.0000	967.7881	967.7881	0.1758	0.0000	972.1834
2022	1.9680	3.4755	3.5709	8.0900e-003	0.1211	0.1431	0.2641	0.0326	0.1320	0.1646	0.0000	716.7609	716.7609	0.1832	0.0000	721.3409
Maximum	1.9680	4.5807	3.5709	0.0104	0.2839	0.1431	0.4064	0.0593	0.1320	0.1728	0.0000	967.7881	967.7881	0.1832	0.0000	972.1834

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.3210	4.5807	2.7853	0.0104	0.2839	0.1226	0.4064	0.0593	0.1135	0.1728	0.0000	967.7876	967.7876	0.1758	0.0000	972.1829
2022	1.9680	3.4755	3.5709	8.0900e-003	0.1211	0.1431	0.2641	0.0326	0.1320	0.1646	0.0000	716.7602	716.7602	0.1832	0.0000	721.3403
Maximum	1.9680	4.5807	3.5709	0.0104	0.2839	0.1431	0.4064	0.0593	0.1320	0.1728	0.0000	967.7876	967.7876	0.1832	0.0000	972.1829

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	9-1-2021	11-30-2021	3.3507	3.3507
2	12-1-2021	2-28-2022	2.2302	2.2302
3	3-1-2022	5-31-2022	1.8244	1.8244
4	6-1-2022	8-31-2022	2.1452	2.1452
		Highest	3.3507	3.3507

2.2 Overall Operational

Unmitigated Operational

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	tons/yr										MT/yr					
Area	6.5142	0.1233	7.9816	0.0132		1.0247	1.0247		1.0247	1.0247	97.0980	41.8671	138.9651	0.0907	7.6400e-003	143.5090
Energy	0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	660.0635	660.0635	0.0229	7.2400e-003	662.7925
Mobile	0.4830	1.8994	5.5551	0.0196	1.7832	0.0153	1.7985	0.4775	0.0143	0.4917	0.0000	1,811.1360	1,811.1360	0.0928	0.0000	1,813.4563
Waste						0.0000	0.0000		0.0000	0.0000	24.4564	0.0000	24.4564	1.4453	0.0000	60.5896
Water						0.0000	0.0000		0.0000	0.0000	3.1720	62.9626	66.1346	0.3263	8.2200e-003	76.7915
Total	7.0147	2.1793	13.6481	0.0338	1.7832	1.0521	2.8353	0.4775	1.0511	1.5286	124.7264	2,576.0292	2,700.7556	1.9801	0.0231	2,757.1388

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.6228	0.0656	0.7254	4.0000e-004		8.5300e-003	8.5300e-003		8.5300e-003	8.5300e-003	0.0000	67.7808	67.7808	2.3900e-003	1.2200e-003	68.2045
Energy	0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	660.0635	660.0635	0.0229	7.2400e-003	662.7925
Mobile	0.4830	1.8994	5.5551	0.0196	1.7832	0.0153	1.7985	0.4775	0.0143	0.4917	0.0000	1,811.1360	1,811.1360	0.0928	0.0000	1,813.4563
Waste						0.0000	0.0000		0.0000	0.0000	24.4564	0.0000	24.4564	1.4453	0.0000	60.5896
Water						0.0000	0.0000		0.0000	0.0000	3.1720	62.9626	66.1346	0.3283	8.2200e-003	76.7915
Total	1.1233	2.1217	6.3919	0.0210	1.7832	0.0360	1.8191	0.4775	0.0349	0.5124	27.6283	2,601.9429	2,629.5712	1.8918	0.0167	2,681.8344

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	83.99	2.65	53.17	37.97	0.00	96.58	35.84	0.00	96.68	66.48	77.85	-1.01	2.64	4.46	27.79	2.73

3.0 Construction Detail

Construction Phase

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	9/1/2021	9/30/2021	5	22	
2	Grading	Grading	9/16/2021	12/31/2021	5	77	
3	Building Construction	Building Construction	11/2/2021	8/31/2022	5	217	
4	Architectural Coating	Architectural Coating	5/22/2022	6/15/2022	5	18	
5	Paving	Paving	10/27/2022	12/27/2022	5	44	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 115.5

Acres of Paving: 0.38

Residential Indoor: 148,400; Residential Outdoor: 49,467; Non-Residential Indoor: 54,555; Non-Residential Outdoor: 18,185; Striped Parking Area: 5,697 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Crawler Tractors	1	8.00	212	0.43
Demolition	Crushing/Proc. Equipment	1	8.00	85	0.78
Demolition	Excavators	1	8.00	158	0.38
Demolition	Excavators	1	8.00	158	0.38
Demolition	Other Construction Equipment	2	8.00	172	0.42
Demolition	Rubber Tired Dozers	0	8.00	247	0.40
Demolition	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Bore/Drill Rigs	2	8.00	221	0.50
Grading	Cranes	1	8.00	231	0.29
Grading	Crawler Tractors	1	8.00	212	0.43

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

Grading	Excavators	2	8.00	158	0.38
Grading	Graders	0	8.00	187	0.41
Grading	Plate Compactors	2	8.00	8	0.43
Grading	Rollers	1	8.00	80	0.38
Grading	Rough Terrain Forklifts	2	8.00	100	0.40
Grading	Rubber Tired Dozers	0	8.00	247	0.40
Grading	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Scrapers	1	8.00	367	0.48
Grading	Signal Boards	2	8.00	6	0.82
Grading	Skid Steer Loaders	1	8.00	65	0.37
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	0	8.00	89	0.20
Building Construction	Generator Sets	0	8.00	84	0.74
Building Construction	Other Construction Equipment	3	8.00	172	0.42
Building Construction	Paving Equipment	1	8.00	132	0.36
Building Construction	Rough Terrain Forklifts	2	8.00	100	0.40
Building Construction	Rubber Tired Loaders	1	8.00	203	0.36
Building Construction	Signal Boards	2	8.00	6	0.82
Building Construction	Skid Steer Loaders	1	8.00	65	0.37
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	0	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Cement and Mortar Mixers	2	8.00	9	0.56
Paving	Off-Highway Trucks	4	8.00	402	0.38
Paving	Pavers	0	8.00	130	0.42
Paving	Paving Equipment	1	6.00	132	0.36

4-AAI
 cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

Paving	Rollers	1	6.00	80	0.38
Paving	Rubber Tired Loaders	1	8.00	203	0.36
Paving	Signal Boards	2	8.00	6	0.82
Paving	Surfacing Equipment	1	8.00	263	0.30
Paving	Tractors/Loaders/Backhoes	2	8.00	97	0.37

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	8	20.00	0.00	544.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	16	40.00	0.00	12,675.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	14	133.00	36.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	27.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	14	35.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

4-AAI
cont'd

3.1 Mitigation Measures Construction

Water Exposed Area

Fenway North Coast Highway 101 - San Diego County, Annual

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0596	0.0000	0.0596	9.0200e-003	0.0000	9.0200e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0340	0.3348	0.2937	5.5000e-004		0.0158	0.0158		0.0149	0.0149	0.0000	48.1011	48.1011	0.0123	0.0000	48.4085
Total	0.0340	0.3348	0.2937	5.5000e-004	0.0596	0.0158	0.0754	9.0200e-003	0.0149	0.0239	0.0000	48.1011	48.1011	0.0123	0.0000	48.4085

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0400e-003	0.0710	0.0175	2.1000e-004	4.6500e-003	2.1000e-004	4.8700e-003	1.2800e-003	2.1000e-004	1.4800e-003	0.0000	20.7161	20.7161	1.8700e-003	0.0000	20.7628
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.6000e-004	5.5000e-004	5.5000e-003	2.0000e-005	1.7600e-003	1.0000e-005	1.7800e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.5412	1.5412	4.0000e-005	0.0000	1.5423
Total	2.8000e-003	0.0716	0.0230	2.3000e-004	6.4100e-003	2.2000e-004	6.6500e-003	1.7500e-003	2.2000e-004	1.9600e-003	0.0000	22.2573	22.2573	1.9100e-003	0.0000	22.3051

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.2 Demolition - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0596	0.0000	0.0596	9.0200e-003	0.0000	9.0200e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0340	0.3348	0.2937	5.5000e-004		0.0158	0.0158		0.0149	0.0149	0.0000	48.1010	48.1010	0.0123	0.0000	48.4085
Total	0.0340	0.3348	0.2937	5.5000e-004	0.0596	0.0158	0.0754	9.0200e-003	0.0149	0.0239	0.0000	48.1010	48.1010	0.0123	0.0000	48.4085

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0400e-003	0.0710	0.0175	2.1000e-004	4.6500e-003	2.1000e-004	4.8700e-003	1.2800e-003	2.1000e-004	1.4800e-003	0.0000	20.7161	20.7161	1.8700e-003	0.0000	20.7628
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.6000e-004	5.5000e-004	5.5000e-003	2.0000e-005	1.7600e-003	1.0000e-005	1.7800e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.5412	1.5412	4.0000e-005	0.0000	1.5423
Total	2.8000e-003	0.0716	0.0230	2.3000e-004	6.4100e-003	2.2000e-004	6.6500e-003	1.7500e-003	2.2000e-004	1.9600e-003	0.0000	22.2573	22.2573	1.9100e-003	0.0000	22.3051

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0684	0.0000	0.0684	7.6900e-003	0.0000	7.6900e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.1508	1.6982	1.2549	3.0100e-003		0.0665	0.0665		0.0613	0.0613	0.0000	262.1647	262.1647	0.0835	0.0000	264.2523
Total	0.1508	1.6982	1.2549	3.0100e-003	0.0684	0.0665	0.1349	7.6900e-003	0.0613	0.0690	0.0000	262.1647	262.1647	0.0835	0.0000	264.2523

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0476	1.6551	0.4083	4.8500e-003	0.1084	5.0000e-003	0.1134	0.0298	4.7800e-003	0.0346	0.0000	482.6774	482.6774	0.0436	0.0000	483.7665
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.3500e-003	3.8200e-003	0.0385	1.2000e-004	0.0124	9.0000e-005	0.0124	3.2800e-003	8.0000e-005	3.3600e-003	0.0000	10.7881	10.7881	3.1000e-004	0.0000	10.7958
Total	0.0529	1.6590	0.4467	4.9700e-003	0.1208	5.0900e-003	0.1259	0.0331	4.8600e-003	0.0379	0.0000	493.4655	493.4655	0.0439	0.0000	494.5623

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.3 Grading - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0684	0.0000	0.0684	7.6900e-003	0.0000	7.6900e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.1508	1.6982	1.2549	3.0100e-003		0.0665	0.0665		0.0613	0.0613	0.0000	262.1644	262.1644	0.0835	0.0000	264.2520
Total	0.1508	1.6982	1.2549	3.0100e-003	0.0684	0.0665	0.1349	7.6900e-003	0.0613	0.0690	0.0000	262.1644	262.1644	0.0835	0.0000	264.2520

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0476	1.6551	0.4083	4.8500e-003	0.1084	5.0000e-003	0.1134	0.0298	4.7800e-003	0.0346	0.0000	482.6774	482.6774	0.0436	0.0000	483.7665
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.3500e-003	3.8200e-003	0.0385	1.2000e-004	0.0124	9.0000e-005	0.0124	3.2800e-003	8.0000e-005	3.3600e-003	0.0000	10.7881	10.7881	3.1000e-004	0.0000	10.7958
Total	0.0529	1.6590	0.4467	4.9700e-003	0.1208	5.0900e-003	0.1259	0.0331	4.8600e-003	0.0379	0.0000	493.4655	493.4655	0.0439	0.0000	494.5623

4-AAI cont'd

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Page 16 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

3.4 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0679	0.7285	0.6722	1.1500e-003		0.0346	0.0346		0.0319	0.0319	0.0000	100.5962	100.5962	0.0321	0.0000	101.3988
Total	0.0679	0.7285	0.6722	1.1500e-003		0.0346	0.0346		0.0319	0.0319	0.0000	100.5962	100.5962	0.0321	0.0000	101.3988

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.4500e-003	0.0814	0.0217	2.1000e-004	5.2600e-003	1.7000e-004	5.4300e-003	1.5200e-003	1.6000e-004	1.6800e-003	0.0000	20.7061	20.7061	1.5400e-003	0.0000	20.7445
Worker	0.0102	7.2600e-003	0.0731	2.3000e-004	0.0235	1.7000e-004	0.0236	6.2400e-003	1.5000e-004	6.3900e-003	0.0000	20.4973	20.4973	5.9000e-004	0.0000	20.5120
Total	0.0126	0.0887	0.0948	4.4000e-004	0.0287	3.4000e-004	0.0291	7.7600e-003	3.1000e-004	8.0700e-003	0.0000	41.2033	41.2033	2.1300e-003	0.0000	41.2565

4-AAI
cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 17 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

3.4 Building Construction - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0679	0.7285	0.6722	1.1500e-003		0.0346	0.0346		0.0319	0.0319	0.0000	100.5961	100.5961	0.0321	0.0000	101.3986
Total	0.0679	0.7285	0.6722	1.1500e-003		0.0346	0.0346		0.0319	0.0319	0.0000	100.5961	100.5961	0.0321	0.0000	101.3986

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.4500e-003	0.0814	0.0217	2.1000e-004	5.2600e-003	1.7000e-004	5.4300e-003	1.5200e-003	1.6000e-004	1.6800e-003	0.0000	20.7061	20.7061	1.5400e-003	0.0000	20.7445
Worker	0.0102	7.2600e-003	0.0731	2.3000e-004	0.0235	1.7000e-004	0.0236	6.2400e-003	1.5000e-004	6.3900e-003	0.0000	20.4973	20.4973	5.9000e-004	0.0000	20.5120
Total	0.0126	0.0887	0.0948	4.4000e-004	0.0287	3.4000e-004	0.0291	7.7600e-003	3.1000e-004	8.0700e-003	0.0000	41.2033	41.2033	2.1300e-003	0.0000	41.2565

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 18 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2391	2.4978	2.6153	4.5400e-003		0.1157	0.1157		0.1067	0.1067	0.0000	395.6048	395.6048	0.1263	0.0000	398.7609
Total	0.2391	2.4978	2.6153	4.5400e-003		0.1157	0.1157		0.1067	0.1067	0.0000	395.6048	395.6048	0.1263	0.0000	398.7609

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	8.9600e-003	0.3022	0.0808	8.3000e-004	0.0207	5.8000e-004	0.0213	5.9700e-003	5.6000e-004	6.5300e-003	0.0000	80.6415	80.6415	5.8500e-003	0.0000	80.7878
Worker	0.0378	0.0260	0.2668	8.6000e-004	0.0923	6.4000e-004	0.0929	0.0245	5.9000e-004	0.0251	0.0000	77.6373	77.6373	2.1200e-003	0.0000	77.6902
Total	0.0468	0.3282	0.3476	1.6900e-003	0.1129	1.2200e-003	0.1142	0.0305	1.1500e-003	0.0316	0.0000	158.2788	158.2788	7.9700e-003	0.0000	158.4780

4-AAI
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Fenway North Coast Highway 101 - San Diego County, Annual

3.4 Building Construction - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2391	2.4978	2.6153	4.5400e-003		0.1157	0.1157		0.1067	0.1067	0.0000	395.6043	395.6043	0.1263	0.0000	398.7605
Total	0.2391	2.4978	2.6153	4.5400e-003		0.1157	0.1157		0.1067	0.1067	0.0000	395.6043	395.6043	0.1263	0.0000	398.7605

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	8.9600e-003	0.3022	0.0808	8.3000e-004	0.0207	5.8000e-004	0.0213	5.9700e-003	5.6000e-004	6.5300e-003	0.0000	80.6415	80.6415	5.8500e-003	0.0000	80.7878
Worker	0.0378	0.0260	0.2668	8.6000e-004	0.0923	6.4000e-004	0.0929	0.0245	5.9000e-004	0.0251	0.0000	77.6373	77.6373	2.1200e-003	0.0000	77.6902
Total	0.0468	0.3282	0.3476	1.6900e-003	0.1129	1.2200e-003	0.1142	0.0305	1.1500e-003	0.0316	0.0000	158.2788	158.2788	7.9700e-003	0.0000	158.4780

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.5 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.6008					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.4500e-003	0.0169	0.0218	4.0000e-005		9.8000e-004	9.8000e-004		9.8000e-004	9.8000e-004	0.0000	3.0639	3.0639	2.0000e-004	0.0000	3.0689
Total	1.6033	0.0169	0.0218	4.0000e-005		9.8000e-004	9.8000e-004		9.8000e-004	9.8000e-004	0.0000	3.0639	3.0639	2.0000e-004	0.0000	3.0689

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	8.0000e-004	5.5000e-004	5.6400e-003	2.0000e-005	1.9500e-003	1.0000e-005	1.9600e-003	5.2000e-004	1.0000e-005	5.3000e-004	0.0000	1.6399	1.6399	4.0000e-005	0.0000	1.6410
Total	8.0000e-004	5.5000e-004	5.6400e-003	2.0000e-005	1.9500e-003	1.0000e-005	1.9600e-003	5.2000e-004	1.0000e-005	5.3000e-004	0.0000	1.6399	1.6399	4.0000e-005	0.0000	1.6410

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.5 Architectural Coating - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.6008					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.4500e-003	0.0169	0.0218	4.0000e-005		9.8000e-004	9.8000e-004		9.8000e-004	9.8000e-004	0.0000	3.0639	3.0639	2.0000e-004	0.0000	3.0689
Total	1.6033	0.0169	0.0218	4.0000e-005		9.8000e-004	9.8000e-004		9.8000e-004	9.8000e-004	0.0000	3.0639	3.0639	2.0000e-004	0.0000	3.0689

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	8.0000e-004	5.5000e-004	5.6400e-003	2.0000e-005	1.9500e-003	1.0000e-005	1.9600e-003	5.2000e-004	1.0000e-005	5.3000e-004	0.0000	1.6399	1.6399	4.0000e-005	0.0000	1.6410
Total	8.0000e-004	5.5000e-004	5.6400e-003	2.0000e-005	1.9500e-003	1.0000e-005	1.9600e-003	5.2000e-004	1.0000e-005	5.3000e-004	0.0000	1.6399	1.6399	4.0000e-005	0.0000	1.6410

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 22 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

3.6 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0750	0.6303	0.5628	1.7600e-003		0.0251	0.0251		0.0232	0.0232	0.0000	152.9773	152.9773	0.0486	0.0000	154.1923
Paving	5.0000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0755	0.6303	0.5628	1.7600e-003		0.0251	0.0251		0.0232	0.0232	0.0000	152.9773	152.9773	0.0486	0.0000	154.1923

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.5300e-003	1.7400e-003	0.0179	6.0000e-005	6.1700e-003	4.0000e-005	6.2200e-003	1.6400e-003	4.0000e-005	1.6800e-003	0.0000	5.1963	5.1963	1.4000e-004	0.0000	5.1998
Total	2.5300e-003	1.7400e-003	0.0179	6.0000e-005	6.1700e-003	4.0000e-005	6.2200e-003	1.6400e-003	4.0000e-005	1.6800e-003	0.0000	5.1963	5.1963	1.4000e-004	0.0000	5.1998

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

3.6 Paving - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0750	0.6303	0.5628	1.7600e-003		0.0251	0.0251		0.0232	0.0232	0.0000	152.9771	152.9771	0.0486	0.0000	154.1921
Paving	5.0000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0755	0.6303	0.5628	1.7600e-003		0.0251	0.0251		0.0232	0.0232	0.0000	152.9771	152.9771	0.0486	0.0000	154.1921

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.5300e-003	1.7400e-003	0.0179	6.0000e-005	6.1700e-003	4.0000e-005	6.2200e-003	1.6400e-003	4.0000e-005	1.6800e-003	0.0000	5.1963	5.1963	1.4000e-004	0.0000	5.1998
Total	2.5300e-003	1.7400e-003	0.0179	6.0000e-005	6.1700e-003	4.0000e-005	6.2200e-003	1.6400e-003	4.0000e-005	1.6800e-003	0.0000	5.1963	5.1963	1.4000e-004	0.0000	5.1998

4.0 Operational Detail - Mobile

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.4830	1.8994	5.5551	0.0196	1.7832	0.0153	1.7985	0.4775	0.0143	0.4917	0.0000	1,811.1360	1,811.1360	0.0928	0.0000	1,813.4563
Unmitigated	0.4830	1.8994	5.5551	0.0196	1.7832	0.0153	1.7985	0.4775	0.0143	0.4917	0.0000	1,811.1360	1,811.1360	0.0928	0.0000	1,813.4563

4-AAI
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4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	564.00	564.00	564.00	1,664,152	1,664,152
City Park	0.00	0.00	0.00		
Enclosed Parking with Elevator	0.00	0.00	0.00		
General Office Building	70.03	70.03	70.03	175,445	175,445
High Turnover (Sit Down Restaurant)	550.29	550.29	550.29	1,274,735	1,274,735
Hotel	300.00	300.00	300.00	603,293	603,293
Parking Lot	0.00	0.00	0.00		
Quality Restaurant	187.06	187.06	187.06	445,494	445,494
Strip Mall	291.29	291.29	291.29	568,918	568,918
Total	1,962.67	1,962.67	1,962.67	4,732,038	4,732,038

4.3 Trip Type Information

Fenway North Coast Highway 101 - San Diego County, Annual

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	41.60	18.90	39.50	89	11	0
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Enclosed Parking with Elevator	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	81	19	0
High Turnover (Sit Down	9.50	7.30	7.30	8.50	72.50	19.00	80	20	0
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	62	38	0
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Quality Restaurant	9.50	7.30	7.30	12.00	69.00	19.00	82	18	0
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	60	40	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
City Park	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
Enclosed Parking with Elevator	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
General Office Building	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
High Turnover (Sit Down Restaurant)	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Hotel	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Parking Lot	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Quality Restaurant	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Strip Mall	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056

4-AAI
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5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Fenway North Coast Highway 101 - San Diego County, Annual

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	486.2099	486.2099	0.0196	4.0500e-003	487.9058
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	486.2099	486.2099	0.0196	4.0500e-003	487.9058
NaturalGas Mitigated	0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	173.8536	173.8536	3.3300e-003	3.1900e-003	174.8867
NaturalGas Unmitigated	0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	173.8536	173.8536	3.3300e-003	3.1900e-003	174.8867

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	1.0552e+006	5.6900e-003	0.0486	0.0207	3.1000e-004		3.9300e-003	3.9300e-003		3.9300e-003	3.9300e-003	0.0000	56.3093	56.3093	1.0800e-003	1.0300e-003	56.6439
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	73451.2	4.0000e-004	3.6000e-003	3.0200e-003	2.0000e-005		2.7000e-004	2.7000e-004		2.7000e-004	2.7000e-004	0.0000	3.9196	3.9196	8.0000e-005	7.0000e-005	3.9429
High Turnover (Sit Down Restaurant)	680954	3.6700e-003	0.0334	0.0280	2.0000e-004		2.5400e-003	2.5400e-003		2.5400e-003	2.5400e-003	0.0000	36.3383	36.3383	7.0000e-004	6.7000e-004	36.5542
Hotel	1.05702e+006	5.7000e-003	0.0518	0.0435	3.1000e-004		3.9400e-003	3.9400e-003		3.9400e-003	3.9400e-003	0.0000	56.4067	56.4067	1.0800e-003	1.0300e-003	56.7419
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	372127	2.0100e-003	0.0182	0.0153	1.1000e-004		1.3900e-003	1.3900e-003		1.3900e-003	1.3900e-003	0.0000	19.8581	19.8581	3.8000e-004	3.6000e-004	19.9761
Strip Mall	19142.3	1.0000e-004	9.4000e-004	7.9000e-004	1.0000e-005		7.0000e-005	7.0000e-005		7.0000e-005	7.0000e-005	0.0000	1.0215	1.0215	2.0000e-005	2.0000e-005	1.0276
Total		0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	173.8536	173.8536	3.3400e-003	3.1800e-003	174.8867

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	1.0552e+006	5.6900e-003	0.0486	0.0207	3.1000e-004		3.9300e-003	3.9300e-003		3.9300e-003	3.9300e-003	0.0000	56.3093	56.3093	1.0800e-003	1.0300e-003	56.6439
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	73451.2	4.0000e-004	3.6000e-003	3.0200e-003	2.0000e-005		2.7000e-004	2.7000e-004		2.7000e-004	2.7000e-004	0.0000	3.9196	3.9196	8.0000e-005	7.0000e-005	3.9429
High Turnover (Sit Down Restaurant)	680954	3.6700e-003	0.0334	0.0280	2.0000e-004		2.5400e-003	2.5400e-003		2.5400e-003	2.5400e-003	0.0000	36.3383	36.3383	7.0000e-004	6.7000e-004	36.5542
Hotel	1.05702e+006	5.7000e-003	0.0518	0.0435	3.1000e-004		3.9400e-003	3.9400e-003		3.9400e-003	3.9400e-003	0.0000	56.4067	56.4067	1.0800e-003	1.0300e-003	56.7419
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	372127	2.0100e-003	0.0182	0.0153	1.1000e-004		1.3900e-003	1.3900e-003		1.3900e-003	1.3900e-003	0.0000	19.8581	19.8581	3.8000e-004	3.6000e-004	19.9761
Strip Mall	19142.3	1.0000e-004	9.4000e-004	7.9000e-004	1.0000e-005		7.0000e-005	7.0000e-005		7.0000e-005	7.0000e-005	0.0000	1.0215	1.0215	2.0000e-005	2.0000e-005	1.0276
Total		0.0176	0.1566	0.1114	9.6000e-004		0.0121	0.0121		0.0121	0.0121	0.0000	173.8536	173.8536	3.3400e-003	3.1800e-003	174.8867

4-AAI cont'd

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	398934	130.3752	5.2500e-003	1.0900e-003	130.8299
City Park	0	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	458006	149.6803	6.0200e-003	1.2500e-003	150.2024
General Office Building	48894.7	15.9792	6.4000e-004	1.3000e-004	16.0350
High Turnover (Sit Down Restaurant)	151124	49.3885	1.9900e-003	4.1000e-004	49.5608
Hotel	234512	76.6404	3.0800e-003	6.4000e-004	76.9077
Parking Lot	5880	1.9216	8.0000e-005	2.0000e-005	1.9283
Quality Restaurant	82585.8	26.9898	1.0900e-003	2.2000e-004	27.0839
Strip Mall	107815	35.2349	1.4200e-003	2.9000e-004	35.3578
Total		486.2099	0.0196	4.0500e-003	487.9058

4-AAI
cont'd

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	398934	130.3752	5.2500e-003	1.0900e-003	130.8299
City Park	0	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	458006	149.6803	6.0200e-003	1.2500e-003	150.2024
General Office Building	48894.7	15.9792	6.4000e-004	1.3000e-004	16.0350
High Turnover (Sit Down Restaurant)	151124	49.3885	1.9900e-003	4.1000e-004	49.5608
Hotel	234512	76.6404	3.0800e-003	6.4000e-004	76.9077
Parking Lot	5880	1.9216	8.0000e-005	2.0000e-005	1.9283
Quality Restaurant	82585.8	26.9898	1.0900e-003	2.2000e-004	27.0839
Strip Mall	107815	35.2349	1.4200e-003	2.9000e-004	35.3578
Total		486.2099	0.0196	4.0500e-003	487.9058

4-AAI
cont'd

6.0 Area Detail

6.1 Mitigation Measures Area

Use only Natural Gas Hearths

Fenway North Coast Highway 101 - San Diego County, Annual

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.6228	0.0656	0.7254	4.0000e-004		8.5300e-003	8.5300e-003		8.5300e-003	8.5300e-003	0.0000	67.7808	67.7808	2.3900e-003	1.2200e-003	68.2045
Unmitigated	6.5142	0.1233	7.9816	0.0132		1.0247	1.0247		1.0247	1.0247	97.0980	41.8671	138.9651	0.0907	7.6400e-003	143.5090

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1601					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.4347					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	5.8981	0.1152	7.2806	0.0132		1.0208	1.0208		1.0208	1.0208	97.0980	40.7215	137.8195	0.0896	7.6400e-003	142.3356
Landscaping	0.0213	8.0700e-003	0.7009	4.0000e-005		3.8700e-003	3.8700e-003		3.8700e-003	3.8700e-003	0.0000	1.1456	1.1456	1.1100e-003	0.0000	1.1734
Total	6.5142	0.1233	7.9816	0.0132		1.0247	1.0247		1.0247	1.0247	97.0980	41.8671	138.9651	0.0907	7.6400e-003	143.5090

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Annual

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1601					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.4347					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	6.7300e-003	0.0575	0.0245	3.7000e-004		4.6500e-003	4.6500e-003		4.6500e-003	4.6500e-003	0.0000	66.6352	66.6352	1.2800e-003	1.2200e-003	67.0312
Landscaping	0.0213	8.0700e-003	0.7009	4.0000e-005		3.8700e-003	3.8700e-003		3.8700e-003	3.8700e-003	0.0000	1.1456	1.1456	1.1100e-003	0.0000	1.1734
Total	0.6228	0.0656	0.7254	4.1000e-004		8.5200e-003	8.5200e-003		8.5200e-003	8.5200e-003	0.0000	67.7808	67.7808	2.3900e-003	1.2200e-003	68.2045

4-AAI
cont'd

7.0 Water Detail

7.1 Mitigation Measures Water

CalEEMod Version: CalEEMod.2016.3.2

Page 33 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	66.1346	0.3283	8.2200e-003	76.7915
Unmitigated	66.1346	0.3283	8.2200e-003	76.7915



4-AAI
cont'd

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	6.12448 / 3.86108	42.0240	0.2012	5.0500e-003	48.5572
City Park	0 / 0.774463	2.8120	1.1000e-004	2.0000e-005	2.8218
Enclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
General Office Building	0.646951 / 0.396518	4.3980	0.0213	5.3000e-004	5.0879
High Turnover (Sit Down Restaurant)	1.18378 / 0.0755605	5.6873	0.0388	9.6000e-004	6.9416
Hotel	0.761003 / 0.0845559	3.7868	0.0249	6.2000e-004	4.5936
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	0.646527 / 0.0412674	3.1062	0.0212	5.2000e-004	3.7912
Strip Mall	0.635542 / 0.389526	4.3204	0.0209	5.2000e-004	4.9982
Total		66.1346	0.3283	8.2200e-003	76.7915

4-AAI
cont'd

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	6.12448 / 3.86108	42.0240	0.2012	5.0500e-003	48.5572
City Park	0 / 0.774463	2.8120	1.1000e-004	2.0000e-005	2.8218
Enclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
General Office Building	0.646951 / 0.396518	4.3980	0.0213	5.3000e-004	5.0879
High Turnover (Sit Down Restaurant)	1.18378 / 0.0755605	5.6873	0.0388	9.6000e-004	6.9416
Hotel	0.761003 / 0.0845559	3.7868	0.0249	6.2000e-004	4.5936
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	0.646527 / 0.0412674	3.1062	0.0212	5.2000e-004	3.7912
Strip Mall	0.635542 / 0.389526	4.3204	0.0209	5.2000e-004	4.9982
Total		66.1346	0.3283	8.2200e-003	76.7915

4-AAI cont'd

8.0 Waste Detail

8.1 Mitigation Measures Waste

CalEEMod Version: CalEEMod.2016.3.2

Page 36 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	24.4564	1.4453	0.0000	60.5896
Unmitigated	24.4564	1.4453	0.0000	60.5896

4-AAI
cont'd

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	43.24	8.7773	0.5187	0.0000	21.7455
City Park	0.06	0.0122	7.2000e-004	0.0000	0.0302
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
General Office Building	3.39	0.6881	0.0407	0.0000	1.7048
High Turnover (Sit Down Restaurant)	46.41	9.4208	0.5568	0.0000	23.3397
Hotel	16.43	3.3351	0.1971	0.0000	8.2627
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1.94	0.3938	0.0233	0.0000	0.9756
Strip Mall	9.01	1.8290	0.1081	0.0000	4.5311
Total		24.4564	1.4453	0.0000	60.5896

4-AAI
cont'd

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	43.24	8.7773	0.5187	0.0000	21.7455
City Park	0.06	0.0122	7.2000e-004	0.0000	0.0302
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
General Office Building	3.39	0.6881	0.0407	0.0000	1.7048
High Turnover (Sit Down Restaurant)	46.41	9.4208	0.5568	0.0000	23.3397
Hotel	16.43	3.3351	0.1971	0.0000	8.2627
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1.94	0.3938	0.0233	0.0000	0.9756
Strip Mall	9.01	1.8290	0.1081	0.0000	4.5311
Total		24.4564	1.4453	0.0000	60.5896

4-AAI
cont'd

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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10.0 Stationary Equipment

CalEEMod Version: CalEEMod.2016.3.2

Page 39 of 39

Date: 11/4/2021 12:45 PM

Fenway North Coast Highway 101 - San Diego County, Annual

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
----------------	--------	----------------	-----------------	---------------	-----------

User Defined Equipment

Equipment Type	Number
----------------	--------

11.0 Vegetation



4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

Fenway North Coast Highway 101
San Diego County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Office Building	3.64	1000sqft	0.08	3,638.00	0
Enclosed Parking with Elevator	216.00	Space	0.00	78,158.00	0
Parking Lot	42.00	Space	0.38	16,800.00	0
City Park	0.65	Acre	0.65	28,200.00	0
High Turnover (Sit Down Restaurant)	3.90	1000sqft	0.00	3,905.00	0
Hotel	30.00	Room	0.50	18,109.00	0
Quality Restaurant	2.13	1000sqft	0.00	2,134.00	0
Apartments Low Rise	94.00	Dwelling Unit	2.19	73,284.00	269
Strip Mall	8.58	1000sqft	0.00	8,584.00	0

4-AAI
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1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.6	Precipitation Freq (Days)	40
Climate Zone	13			Operational Year	2023
Utility Company	San Diego Gas & Electric				
CO2 Intensity (lb/MWhr)	720.49	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

Fenway North Coast Highway 101 - San Diego County, Summer

Project Characteristics -

Land Use - Consistent with the DEIR's model.

Construction Phase - See SWAPE comment on "Unsubstantiated Changes to Grading & Architectural Coating Phase Lengths"

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Trips and VMT - See SWAPE comment on "Unsubstantiated Reductions to Worker and Vendor Trip Numbers"

Demolition - See SWAPE comment on "Failure to Model All Demolition"

Grading - See SWAPE comment on "Failure to Model Material Import"

Architectural Coating - See SWAPE comment on "Unsubstantiated Reductions to Architectural and Area Coating Areas and Emissions Factors"

Vehicle Trips - Consistent with the DEIR's model.

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Construction Off-road Equipment Mitigation -

Area Mitigation -

Fleet Mix - Consistent with the DEIR's model.

4-AAI
cont'd

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	217.00
tblConstructionPhase	NumDays	20.00	22.00
tblConstructionPhase	NumDays	8.00	77.00
tblConstructionPhase	NumDays	18.00	44.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.60	0.00

Fenway North Coast Highway 101 - San Diego County, Summer

tblFleetMix	LDT1	0.04	0.00
tblFleetMix	LDT2	0.18	0.00
tblFleetMix	LHD1	0.01	0.00
tblFleetMix	LHD2	5.4350e-003	0.00
tblFleetMix	MCY	5.9380e-003	0.00
tblFleetMix	MDV	0.10	0.00
tblFleetMix	MH	1.0560e-003	0.00
tblFleetMix	MHD	0.02	0.00
tblFleetMix	OBUS	1.9340e-003	0.00
tblFleetMix	SBUS	7.5700e-004	0.00
tblFleetMix	UBUS	1.8880e-003	0.00
tblGrading	MaterialExported	0.00	99,100.00
tblGrading	MaterialImported	0.00	2,300.00
tblLandUse	LandUseSquareFeet	3,640.00	3,638.00
tblLandUse	LandUseSquareFeet	86,400.00	78,158.00
tblLandUse	LandUseSquareFeet	28,314.00	28,200.00
tblLandUse	LandUseSquareFeet	3,900.00	3,905.00
tblLandUse	LandUseSquareFeet	43,560.00	18,109.00
tblLandUse	LandUseSquareFeet	2,130.00	2,134.00
tblLandUse	LandUseSquareFeet	94,000.00	73,284.00
tblLandUse	LandUseSquareFeet	8,580.00	8,584.00
tblLandUse	LotAcreage	1.94	0.00
tblLandUse	LotAcreage	0.09	0.00
tblLandUse	LotAcreage	1.00	0.50
tblLandUse	LotAcreage	0.05	0.00
tblLandUse	LotAcreage	5.88	2.19
tblLandUse	LotAcreage	0.20	0.00

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblVehicleTrips	HO_TTP	39.60	39.50
tblVehicleTrips	HS_TTP	18.80	18.90
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	44.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PR_TP	86.00	89.00
tblVehicleTrips	PR_TP	77.00	81.00
tblVehicleTrips	PR_TP	37.00	80.00

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

tblVehicleTrips	PR_TP	58.00	62.00
tblVehicleTrips	PR_TP	38.00	82.00
tblVehicleTrips	PR_TP	45.00	60.00
tblVehicleTrips	ST_TR	7.16	6.00
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	19.24
tblVehicleTrips	ST_TR	158.37	141.10
tblVehicleTrips	ST_TR	8.19	10.00
tblVehicleTrips	ST_TR	94.36	87.82
tblVehicleTrips	ST_TR	42.04	33.95
tblVehicleTrips	SU_TR	6.07	6.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	19.24
tblVehicleTrips	SU_TR	131.84	141.10
tblVehicleTrips	SU_TR	5.95	10.00
tblVehicleTrips	SU_TR	72.16	87.82
tblVehicleTrips	SU_TR	20.43	33.95
tblVehicleTrips	WD_TR	6.59	6.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	19.24
tblVehicleTrips	WD_TR	127.15	141.10
tblVehicleTrips	WD_TR	8.17	10.00
tblVehicleTrips	WD_TR	89.95	87.82
tblVehicleTrips	WD_TR	44.32	33.95

4-AAI
cont'd

2.0 Emissions Summary

Fenway North Coast Highway 101 - San Diego County, Summer

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	8.9306	123.4731	78.9939	0.2814	10.9936	3.4449	14.3117	2.0575	3.1804	5.1499	0.0000	28,925.1633	28,925.1633	5.3442	0.0000	29,058.7681
2022	181.5322	34.5460	37.4835	0.0827	1.5581	1.4622	3.0202	0.4188	1.3564	1.7752	0.0000	7,939.5308	7,939.5308	2.4426	0.0000	8,000.5960
Maximum	181.5322	123.4731	78.9939	0.2814	10.9936	3.4449	14.3117	2.0575	3.1804	5.1499	0.0000	28,925.1633	28,925.1633	5.3442	0.0000	29,058.7681

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	8.9306	123.4731	78.9939	0.2814	10.9936	3.4449	14.3117	2.0575	3.1804	5.1499	0.0000	28,925.1633	28,925.1633	5.3442	0.0000	29,058.7681
2022	181.5322	34.5460	37.4835	0.0827	1.5581	1.4622	3.0202	0.4188	1.3564	1.7752	0.0000	7,939.5308	7,939.5308	2.4426	0.0000	8,000.5960
Maximum	181.5322	123.4731	78.9939	0.2814	10.9936	3.4449	14.3117	2.0575	3.1804	5.1499	0.0000	28,925.1633	28,925.1633	5.3442	0.0000	29,058.7681

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 7 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

2.2 Overall Operational
Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558
Energy	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
Mobile	2.8146	10.1423	31.2965	0.1125	10.0331	0.0840	10.1171	2.6813	0.0782	2.7595		11,452.1682	11,452.1682	0.5649		11,466.2900
Total	150.2634	13.8995	217.2710	0.4399	10.0331	25.0914	35.1245	2.6813	25.0856	27.7669	2,610.5427	13,611.1091	16,221.6518	3.0077	0.2246	16,363.7723

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468
Energy	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
Mobile	2.8146	10.1423	31.2965	0.1125	10.0331	0.0840	10.1171	2.6813	0.0782	2.7595		11,452.1682	11,452.1682	0.5649		11,466.2900
Total	6.5705	12.4935	40.2922	0.1271	10.0331	0.3070	10.3401	2.6813	0.3012	2.9825	0.0000	14,307.8150	14,307.8150	0.6329	0.0521	14,339.1632

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	95.63	10.12	81.46	71.10	0.00	98.78	70.56	0.00	98.80	89.26	100.00	-5.12	11.80	78.96	76.81	12.37

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	9/1/2021	9/30/2021	5	22	
2	Grading	Grading	9/16/2021	12/31/2021	5	77	
3	Building Construction	Building Construction	11/2/2021	8/31/2022	5	217	
4	Architectural Coating	Architectural Coating	5/22/2022	6/15/2022	5	18	
5	Paving	Paving	10/27/2022	12/27/2022	5	44	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 115.5

Acres of Paving: 0.38

Residential Indoor: 148,400; Residential Outdoor: 49,467; Non-Residential Indoor: 54,555; Non-Residential Outdoor: 18,185; Striped Parking Area: 5,697 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Crawler Tractors	1	8.00	212	0.43
Demolition	Crushing/Proc. Equipment	1	8.00	85	0.78
Demolition	Excavators	1	8.00	158	0.38
Demolition	Excavators	1	8.00	158	0.38

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

Demolition	Other Construction Equipment	2	8.00	172	0.42
Demolition	Rubber Tired Dozers	0	8.00	247	0.40
Demolition	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Bore/Drill Rigs	2	8.00	221	0.50
Grading	Cranes	1	8.00	231	0.29
Grading	Crawler Tractors	1	8.00	212	0.43
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	0	8.00	187	0.41
Grading	Plate Compactors	2	8.00	8	0.43
Grading	Rollers	1	8.00	80	0.38
Grading	Rough Terrain Forklifts	2	8.00	100	0.40
Grading	Rubber Tired Dozers	0	8.00	247	0.40
Grading	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Scrapers	1	8.00	367	0.48
Grading	Signal Boards	2	8.00	6	0.82
Grading	Skid Steer Loaders	1	8.00	65	0.37
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	0	8.00	89	0.20
Building Construction	Generator Sets	0	8.00	84	0.74
Building Construction	Other Construction Equipment	3	8.00	172	0.42
Building Construction	Paving Equipment	1	8.00	132	0.36
Building Construction	Rough Terrain Forklifts	2	8.00	100	0.40
Building Construction	Rubber Tired Loaders	1	8.00	203	0.36
Building Construction	Signal Boards	2	8.00	6	0.82
Building Construction	Skid Steer Loaders	1	8.00	65	0.37
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37

4-AAI
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Fenway North Coast Highway 101 - San Diego County, Summer

Building Construction	Welders	0	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Cement and Mortar Mixers	2	8.00	9	0.56
Paving	Off-Highway Trucks	4	8.00	402	0.38
Paving	Pavers	0	8.00	130	0.42
Paving	Paving Equipment	1	6.00	132	0.36
Paving	Rollers	1	6.00	80	0.38
Paving	Rubber Tired Loaders	1	8.00	203	0.36
Paving	Signal Boards	2	8.00	6	0.82
Paving	Surfacing Equipment	1	8.00	263	0.30
Paving	Tractors/Loaders/Backhoes	2	8.00	97	0.37

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	8	20.00	0.00	544.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	16	40.00	0.00	12,675.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	14	133.00	36.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	27.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	14	35.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.4165	0.0000	5.4165	0.8203	0.0000	0.8203			0.0000			0.0000
Off-Road	3.0890	30.4335	26.7011	0.0501		1.4393	1.4393		1.3547	1.3547		4,820.2159	4,820.2159	1.2324		4,851.0252
Total	3.0890	30.4335	26.7011	0.0501	5.4165	1.4393	6.8558	0.8203	1.3547	2.1749		4,820.2159	4,820.2159	1.2324		4,851.0252

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1836	6.3384	1.5507	0.0191	0.4321	0.0193	0.4514	0.1184	0.0185	0.1369		2,091.1367	2,091.1367	0.1847		2,095.7547
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0692	0.0449	0.5305	1.6300e-003	0.1643	1.1300e-003	0.1654	0.0436	1.0500e-003	0.0446		162.8882	162.8882	4.6500e-003		163.0044
Total	0.2527	6.3834	2.0811	0.0207	0.5964	0.0205	0.6169	0.1620	0.0196	0.1815		2,254.0249	2,254.0249	0.1894		2,258.7591

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.2 Demolition - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.4165	0.0000	5.4165	0.8203	0.0000	0.8203			0.0000			0.0000
Off-Road	3.0890	30.4335	26.7011	0.0501		1.4393	1.4393		1.3547	1.3547	0.0000	4,820.2159	4,820.2159	1.2324		4,851.0252
Total	3.0890	30.4335	26.7011	0.0501	5.4165	1.4393	6.8558	0.8203	1.3547	2.1749	0.0000	4,820.2159	4,820.2159	1.2324		4,851.0252

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1836	6.3384	1.5507	0.0191	0.4321	0.0193	0.4514	0.1184	0.0185	0.1369		2,091.1367	2,091.1367	0.1847		2,095.7547
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0692	0.0449	0.5305	1.6300e-003	0.1643	1.1300e-003	0.1654	0.0436	1.0500e-003	0.0446		162.8882	162.8882	4.6500e-003		163.0044
Total	0.2527	6.3834	2.0811	0.0207	0.5964	0.0205	0.6169	0.1620	0.0196	0.1815		2,254.0249	2,254.0249	0.1894		2,258.7591

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.7758	0.0000	1.7758	0.1998	0.0000	0.1998			0.0000			0.0000
Off-Road	3.9173	44.1100	32.5945	0.0782		1.7273	1.7273		1.5929	1.5929		7,506.1590	7,506.1590	2.3908		7,565.9300
Total	3.9173	44.1100	32.5945	0.0782	1.7758	1.7273	3.5031	0.1998	1.5929	1.7927		7,506.1590	7,506.1590	2.3908		7,565.9300

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	1.2219	42.1951	10.3227	0.1269	2.8764	0.1288	3.0051	0.7883	0.1232	0.9115		13,920.7762	13,920.7762	1.2297		13,951.5185
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1384	0.0899	1.0610	3.2700e-003	0.3286	2.2700e-003	0.3309	0.0872	2.0900e-003	0.0893		325.7764	325.7764	9.3000e-003		326.0088
Total	1.3603	42.2849	11.3837	0.1302	3.2049	0.1310	3.3360	0.8754	0.1253	1.0007		14,246.5525	14,246.5525	1.2390		14,277.5273

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.3 Grading - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.7758	0.0000	1.7758	0.1998	0.0000	0.1998			0.0000			0.0000
Off-Road	3.9173	44.1100	32.5945	0.0782		1.7273	1.7273		1.5929	1.5929	0.0000	7,506.1590	7,506.1590	2.3908		7,565.9300
Total	3.9173	44.1100	32.5945	0.0782	1.7758	1.7273	3.5031	0.1998	1.5929	1.7927	0.0000	7,506.1590	7,506.1590	2.3908		7,565.9300

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	1.2219	42.1951	10.3227	0.1269	2.8764	0.1288	3.0051	0.7883	0.1232	0.9115		13,920.7762	13,920.7762	1.2297		13,951.5185
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1384	0.0899	1.0610	3.2700e-003	0.3286	2.2700e-003	0.3309	0.0872	2.0900e-003	0.0893		325.7764	325.7764	9.3000e-003		326.0088
Total	1.3603	42.2849	11.3837	0.1302	3.2049	0.1310	3.3360	0.8754	0.1253	1.0007		14,246.5525	14,246.5525	1.2390		14,277.5273

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 15 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.4 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479		5,040.3784	5,040.3784	1.6085		5,080.5910
Total	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479		5,040.3784	5,040.3784	1.6085		5,080.5910

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1089	3.6659	0.9342	9.7500e-003	0.2437	7.7000e-003	0.2514	0.0702	7.3600e-003	0.0775		1,048.8670	1,048.8670	0.0750		1,050.7406
Worker	0.4600	0.2989	3.5277	0.0109	1.0926	7.5500e-003	1.1001	0.2898	6.9500e-003	0.2968		1,083.2064	1,083.2064	0.0309		1,083.9792
Total	0.5689	3.9647	4.4619	0.0206	1.3363	0.0153	1.3515	0.3600	0.0143	0.3743		2,132.0734	2,132.0734	0.1059		2,134.7198

4-AAI
cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 16 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.4 Building Construction - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479	0.0000	5,040.3784	5,040.3784	1.6085		5,080.5910
Total	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479	0.0000	5,040.3784	5,040.3784	1.6085		5,080.5910

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1089	3.6659	0.9342	9.7500e-003	0.2437	7.7000e-003	0.2514	0.0702	7.3600e-003	0.0775		1,048.8670	1,048.8670	0.0750		1,050.7406
Worker	0.4600	0.2989	3.5277	0.0109	1.0926	7.5500e-003	1.1001	0.2898	6.9500e-003	0.2968		1,083.2064	1,083.2064	0.0309		1,083.9792
Total	0.5689	3.9647	4.4619	0.0206	1.3363	0.0153	1.3515	0.3600	0.0143	0.3743		2,132.0734	2,132.0734	0.1059		2,134.7198

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 17 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329		5,041.3827	5,041.3827	1.6088		5,081.6034
Total	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329		5,041.3827	5,041.3827	1.6088		5,081.6034

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1012	3.4644	0.8848	9.6400e-003	0.2437	6.6200e-003	0.2503	0.0702	6.3300e-003	0.0765		1,039.0096	1,039.0096	0.0727		1,040.8258
Worker	0.4349	0.2725	3.2803	0.0105	1.0926	7.3800e-003	1.1000	0.2898	6.8000e-003	0.2966		1,043.4645	1,043.4645	0.0283		1,044.1729
Total	0.5361	3.7369	4.1651	0.0201	1.3363	0.0140	1.3503	0.3600	0.0131	0.3731		2,082.4741	2,082.4741	0.1010		2,084.9988

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 18 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.4 Building Construction - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329	0.0000	5,041.3827	5,041.3827	1.6088		5,081.6034
Total	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329	0.0000	5,041.3827	5,041.3827	1.6088		5,081.6034

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1012	3.4644	0.8848	9.6400e-003	0.2437	6.6200e-003	0.2503	0.0702	6.3300e-003	0.0765		1,039.0096	1,039.0096	0.0727		1,040.8258
Worker	0.4349	0.2725	3.2803	0.0105	1.0926	7.3800e-003	1.1000	0.2898	6.8000e-003	0.2966		1,043.4645	1,043.4645	0.0283		1,044.1729
Total	0.5361	3.7369	4.1651	0.0201	1.3363	0.0140	1.3503	0.3600	0.0131	0.3731		2,082.4741	2,082.4741	0.1010		2,084.9988

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 19 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.5 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	177.8707					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749
Total	178.1434	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0883	0.0553	0.6659	2.1300e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		211.8311	211.8311	5.7500e-003		211.9750
Total	0.0883	0.0553	0.6659	2.1300e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		211.8311	211.8311	5.7500e-003		211.9750

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.5 Architectural Coating - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	177.8707					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749
Total	178.1434	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0883	0.0553	0.6659	2.1300e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		211.8311	211.8311	5.7500e-003		211.9750
Total	0.0883	0.0553	0.6659	2.1300e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		211.8311	211.8311	5.7500e-003		211.9750

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 21 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

3.6 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.4091	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535		7,664.9349	7,664.9349	2.4352		7,725.8137
Paving	0.0226					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	3.4318	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535		7,664.9349	7,664.9349	2.4352		7,725.8137

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1145	0.0717	0.8632	2.7500e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		274.5959	274.5959	7.4600e-003		274.7824
Total	0.1145	0.0717	0.8632	2.7500e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		274.5959	274.5959	7.4600e-003		274.7824

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

3.6 Paving - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.4091	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535	0.0000	7,664.9349	7,664.9349	2.4352		7,725.8137
Paving	0.0226					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	3.4318	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535	0.0000	7,664.9349	7,664.9349	2.4352		7,725.8137

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1145	0.0717	0.8632	2.7500e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		274.5959	274.5959	7.4600e-003		274.7824
Total	0.1145	0.0717	0.8632	2.7500e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		274.5959	274.5959	7.4600e-003		274.7824

4.0 Operational Detail - Mobile

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.8146	10.1423	31.2965	0.1125	10.0331	0.0840	10.1171	2.6813	0.0782	2.7595		11,452.1682	11,452.1682	0.5649		11,466.2900
Unmitigated	2.8146	10.1423	31.2965	0.1125	10.0331	0.0840	10.1171	2.6813	0.0782	2.7595		11,452.1682	11,452.1682	0.5649		11,466.2900

4-AAI
cont'd

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	564.00	564.00	564.00	1,664,152	1,664,152
City Park	0.00	0.00	0.00		
Enclosed Parking with Elevator	0.00	0.00	0.00		
General Office Building	70.03	70.03	70.03	175,445	175,445
High Turnover (Sit Down Restaurant)	550.29	550.29	550.29	1,274,735	1,274,735
Hotel	300.00	300.00	300.00	603,293	603,293
Parking Lot	0.00	0.00	0.00		
Quality Restaurant	187.06	187.06	187.06	445,494	445,494
Strip Mall	291.29	291.29	291.29	568,918	568,918
Total	1,962.67	1,962.67	1,962.67	4,732,038	4,732,038

4.3 Trip Type Information

Fenway North Coast Highway 101 - San Diego County, Summer

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	41.60	18.90	39.50	89	11	0
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Enclosed Parking with Elevator	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	81	19	0
High Turnover (Sit Down)	9.50	7.30	7.30	8.50	72.50	19.00	80	20	0
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	62	38	0
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Quality Restaurant	9.50	7.30	7.30	12.00	69.00	19.00	82	18	0
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	60	40	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
City Park	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
Enclosed Parking with Elevator	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
General Office Building	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
High Turnover (Sit Down Restaurant)	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Hotel	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Parking Lot	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Quality Restaurant	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Strip Mall	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056

4-AAI
cont'd

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Fenway North Coast Highway 101 - San Diego County, Summer

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
NaturalGas Unmitigated	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2890.95	0.0312	0.2664	0.1134	1.7000e-003		0.0215	0.0215		0.0215	0.0215		340.1115	340.1115	6.5200e-003	6.2400e-003	342.1327
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	201.236	2.1700e-003	0.0197	0.0166	1.2000e-004		1.5000e-003	1.5000e-003		1.5000e-003	1.5000e-003		23.6749	23.6749	4.5000e-004	4.3000e-004	23.8155
High Turnover (Sit Down Restaurant)	1865.63	0.0201	0.1829	0.1536	1.1000e-003		0.0139	0.0139		0.0139	0.0139		219.4855	219.4855	4.2100e-003	4.0200e-003	220.7898
Hotel	2895.95	0.0312	0.2839	0.2385	1.7000e-003		0.0216	0.0216		0.0216	0.0216		340.7002	340.7002	6.5300e-003	6.2500e-003	342.7248
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1019.53	0.0110	0.1000	0.0840	6.0000e-004		7.6000e-003	7.6000e-003		7.6000e-003	7.6000e-003		119.9442	119.9442	2.3000e-003	2.2000e-003	120.6570
Strip Mall	52.4447	5.7000e-004	5.1400e-003	4.3200e-003	3.0000e-005		3.9000e-004	3.9000e-004		3.9000e-004	3.9000e-004		6.1700	6.1700	1.2000e-004	1.1000e-004	6.2066
Total		0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3265

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2.89095	0.0312	0.2664	0.1134	1.7000e-003		0.0215	0.0215		0.0215	0.0215		340.1115	340.1115	6.5200e-003	6.2400e-003	342.1327
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	0.201236	2.1700e-003	0.0197	0.0166	1.2000e-004		1.5000e-003	1.5000e-003		1.5000e-003	1.5000e-003		23.6749	23.6749	4.5000e-004	4.3000e-004	23.8155
High Turnover (Sit Down Restaurant)	1.86563	0.0201	0.1829	0.1536	1.1000e-003		0.0139	0.0139		0.0139	0.0139		219.4855	219.4855	4.2100e-003	4.0200e-003	220.7898
Hotel	2.89595	0.0312	0.2839	0.2385	1.7000e-003		0.0216	0.0216		0.0216	0.0216		340.7002	340.7002	6.5300e-003	6.2500e-003	342.7248
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1.01953	0.0110	0.1000	0.0840	6.0000e-004		7.6000e-003	7.6000e-003		7.6000e-003	7.6000e-003		119.9442	119.9442	2.3000e-003	2.2000e-003	120.6570
Strip Mall	0.0524447	5.7000e-004	5.1400e-003	4.3200e-003	3.0000e-005		3.9000e-004	3.9000e-004		3.9000e-004	3.9000e-004		6.1700	6.1700	1.2000e-004	1.1000e-004	6.2066
Total		0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3265

4-AAI cont'd

6.0 Area Detail

6.1 Mitigation Measures Area

Use only Natural Gas Hearths

Fenway North Coast Highway 101 - San Diego County, Summer

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468
Unmitigated	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8772					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3817					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	143.8571	2.8094	177.5760	0.3217		24.8979	24.8979		24.8979	24.8979	2,610.5427	1,094.8235	3,705.3662	2.4091	0.2053	3,826.7847
Landscaping	0.2366	0.0897	7.7882	4.1000e-004		0.0431	0.0431		0.0431	0.0431		14.0311	14.0311	0.0136		14.3712
Total	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Summer

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8772					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3817					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.1642	1.4034	0.5972	8.9600e-003		0.1135	0.1135		0.1135	0.1135	0.0000	1,791.5294	1,791.5294	0.0343	0.0328	1,802.1756
Landscaping	0.2366	0.0897	7.7882	4.1000e-004		0.0431	0.0431		0.0431	0.0431		14.0311	14.0311	0.0136		14.3712
Total	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468

4-AAI cont'd

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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10.0 Stationary Equipment

CalEEMod Version: CalEEMod.2016.3.2

Page 30 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Summer

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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User Defined Equipment

Equipment Type	Number
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11.0 Vegetation



4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

Fenway North Coast Highway 101
San Diego County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Office Building	3.64	1000sqft	0.08	3,638.00	0
Enclosed Parking with Elevator	216.00	Space	0.00	78,158.00	0
Parking Lot	42.00	Space	0.38	16,800.00	0
City Park	0.65	Acre	0.65	28,200.00	0
High Turnover (Sit Down Restaurant)	3.90	1000sqft	0.00	3,905.00	0
Hotel	30.00	Room	0.50	18,109.00	0
Quality Restaurant	2.13	1000sqft	0.00	2,134.00	0
Apartments Low Rise	94.00	Dwelling Unit	2.19	73,284.00	269
Strip Mall	8.58	1000sqft	0.00	8,584.00	0

4-AAI
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1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.6	Precipitation Freq (Days)	40
Climate Zone	13			Operational Year	2023
Utility Company	San Diego Gas & Electric				
CO2 Intensity (lb/MWhr)	720.49	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

Fenway North Coast Highway 101 - San Diego County, Winter

Project Characteristics -

Land Use - Consistent with the DEIR's model.

Construction Phase - See SWAPE comment on "Unsubstantiated Changes to Grading & Architectural Coating Phase Lengths"

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Off-road Equipment - Consistent with the DEIR's model.

Trips and VMT - See SWAPE comment on "Unsubstantiated Reductions to Worker and Vendor Trip Numbers"

Demolition - See SWAPE comment on "Failure to Model All Demolition"

Grading - See SWAPE comment on "Failure to Model Material Import"

Architectural Coating - See SWAPE comment on "Unsubstantiated Reductions to Architectural and Area Coating Areas and Emissions Factors"

Vehicle Trips - Consistent with the DEIR's model.

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Vehicle Emission Factors - See SWAPE comment on "Unsubstantiated Reduction to Operational Vehicle Emissions Factors "

Construction Off-road Equipment Mitigation -

Area Mitigation -

Fleet Mix - Consistent with the DEIR's model.

4-AAI cont'd

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	217.00
tblConstructionPhase	NumDays	20.00	22.00
tblConstructionPhase	NumDays	8.00	77.00
tblConstructionPhase	NumDays	18.00	44.00
tblFleetMix	HHD	0.02	0.00
tblFleetMix	LDA	0.60	0.00

Fenway North Coast Highway 101 - San Diego County, Winter

tblFleetMix	LDT1	0.04	0.00
tblFleetMix	LDT2	0.18	0.00
tblFleetMix	LHD1	0.01	0.00
tblFleetMix	LHD2	5.4350e-003	0.00
tblFleetMix	MCY	5.9380e-003	0.00
tblFleetMix	MDV	0.10	0.00
tblFleetMix	MH	1.0560e-003	0.00
tblFleetMix	MHD	0.02	0.00
tblFleetMix	OBUS	1.9340e-003	0.00
tblFleetMix	SBUS	7.5700e-004	0.00
tblFleetMix	UBUS	1.8880e-003	0.00
tblGrading	MaterialExported	0.00	99,100.00
tblGrading	MaterialImported	0.00	2,300.00
tblLandUse	LandUseSquareFeet	3,640.00	3,638.00
tblLandUse	LandUseSquareFeet	86,400.00	78,158.00
tblLandUse	LandUseSquareFeet	28,314.00	28,200.00
tblLandUse	LandUseSquareFeet	3,900.00	3,905.00
tblLandUse	LandUseSquareFeet	43,560.00	18,109.00
tblLandUse	LandUseSquareFeet	2,130.00	2,134.00
tblLandUse	LandUseSquareFeet	94,000.00	73,284.00
tblLandUse	LandUseSquareFeet	8,580.00	8,584.00
tblLandUse	LotAcreage	1.94	0.00
tblLandUse	LotAcreage	0.09	0.00
tblLandUse	LotAcreage	1.00	0.50
tblLandUse	LotAcreage	0.05	0.00
tblLandUse	LotAcreage	5.88	2.19
tblLandUse	LotAcreage	0.20	0.00

4-AAI
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Fenway North Coast Highway 101 - San Diego County, Winter

tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblVehicleTrips	HO_TTP	39.60	39.50
tblVehicleTrips	HS_TTP	18.80	18.90
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	43.00	0.00
tblVehicleTrips	PB_TP	4.00	0.00
tblVehicleTrips	PB_TP	44.00	0.00
tblVehicleTrips	PB_TP	15.00	0.00
tblVehicleTrips	PR_TP	86.00	89.00
tblVehicleTrips	PR_TP	77.00	81.00
tblVehicleTrips	PR_TP	37.00	80.00

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

tblVehicleTrips	PR_TP	58.00	62.00
tblVehicleTrips	PR_TP	38.00	82.00
tblVehicleTrips	PR_TP	45.00	60.00
tblVehicleTrips	ST_TR	7.16	6.00
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	ST_TR	2.46	19.24
tblVehicleTrips	ST_TR	158.37	141.10
tblVehicleTrips	ST_TR	8.19	10.00
tblVehicleTrips	ST_TR	94.36	87.82
tblVehicleTrips	ST_TR	42.04	33.95
tblVehicleTrips	SU_TR	6.07	6.00
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	SU_TR	1.05	19.24
tblVehicleTrips	SU_TR	131.84	141.10
tblVehicleTrips	SU_TR	5.95	10.00
tblVehicleTrips	SU_TR	72.16	87.82
tblVehicleTrips	SU_TR	20.43	33.95
tblVehicleTrips	WD_TR	6.59	6.00
tblVehicleTrips	WD_TR	1.89	0.00
tblVehicleTrips	WD_TR	11.03	19.24
tblVehicleTrips	WD_TR	127.15	141.10
tblVehicleTrips	WD_TR	8.17	10.00
tblVehicleTrips	WD_TR	89.95	87.82
tblVehicleTrips	WD_TR	44.32	33.95

4-AAI
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2.0 Emissions Summary

Fenway North Coast Highway 101 - San Diego County, Winter

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	9.0505	123.8749	79.4745	0.2781	10.9936	3.4479	14.3149	2.0575	3.1833	5.1529	0.0000	28,571.2171	28,571.2171	5.3870	0.0000	28,705.8930
2022	181.6092	34.5744	37.3390	0.0825	1.5581	1.4624	3.0205	0.4188	1.3567	1.7754	0.0000	7,922.7189	7,922.7189	2.4422	0.0000	7,983.7736
Maximum	181.6092	123.8749	79.4745	0.2781	10.9936	3.4479	14.3149	2.0575	3.1833	5.1529	0.0000	28,571.2171	28,571.2171	5.3870	0.0000	28,705.8930

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	9.0505	123.8749	79.4745	0.2781	10.9936	3.4479	14.3149	2.0575	3.1833	5.1529	0.0000	28,571.2171	28,571.2171	5.3870	0.0000	28,705.8929
2022	181.6092	34.5744	37.3390	0.0825	1.5581	1.4624	3.0205	0.4188	1.3567	1.7754	0.0000	7,922.7189	7,922.7189	2.4422	0.0000	7,983.7736
Maximum	181.6092	123.8749	79.4745	0.2781	10.9936	3.4479	14.3149	2.0575	3.1833	5.1529	0.0000	28,571.2171	28,571.2171	5.3870	0.0000	28,705.8929

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

2.2 Overall Operational
Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558
Energy	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
Mobile	2.7216	10.4110	30.8862	0.1067	10.0331	0.0845	10.1175	2.6813	0.0787	2.7600		10,862.6307	10,862.6307	0.5684		10,876.8406
Total	150.1704	14.1682	216.8607	0.4341	10.0331	25.0919	35.1249	2.6813	25.0861	27.7674	2,610.5427	13,021.5716	15,632.1143	3.0112	0.2246	15,774.3229

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468
Energy	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
Mobile	2.7216	10.4110	30.8862	0.1067	10.0331	0.0845	10.1175	2.6813	0.0787	2.7600		10,862.6307	10,862.6307	0.5684		10,876.8406
Total	6.4775	12.7622	39.8819	0.1213	10.0331	0.3075	10.3406	2.6813	0.3017	2.9830	0.0000	13,718.2775	13,718.2775	0.6365	0.0521	13,749.7138

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 8 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	95.69	9.92	81.61	72.05	0.00	98.77	70.56	0.00	98.80	89.26	100.00	-5.35	12.24	78.86	76.81	12.83

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	9/1/2021	9/30/2021	5	22	
2	Grading	Grading	9/16/2021	12/31/2021	5	77	
3	Building Construction	Building Construction	11/2/2021	8/31/2022	5	217	
4	Architectural Coating	Architectural Coating	5/22/2022	6/15/2022	5	18	
5	Paving	Paving	10/27/2022	12/27/2022	5	44	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 115.5

Acres of Paving: 0.38

Residential Indoor: 148,400; Residential Outdoor: 49,467; Non-Residential Indoor: 54,555; Non-Residential Outdoor: 18,185; Striped Parking Area: 5,697 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Crawler Tractors	1	8.00	212	0.43
Demolition	Crushing/Proc. Equipment	1	8.00	85	0.78
Demolition	Excavators	1	8.00	158	0.38
Demolition	Excavators	1	8.00	158	0.38

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

Demolition	Other Construction Equipment	2	8.00	172	0.42
Demolition	Rubber Tired Dozers	0	8.00	247	0.40
Demolition	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Bore/Drill Rigs	2	8.00	221	0.50
Grading	Cranes	1	8.00	231	0.29
Grading	Crawler Tractors	1	8.00	212	0.43
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	0	8.00	187	0.41
Grading	Plate Compactors	2	8.00	8	0.43
Grading	Rollers	1	8.00	80	0.38
Grading	Rough Terrain Forklifts	2	8.00	100	0.40
Grading	Rubber Tired Dozers	0	8.00	247	0.40
Grading	Rubber Tired Loaders	1	8.00	203	0.36
Grading	Scrapers	1	8.00	367	0.48
Grading	Signal Boards	2	8.00	6	0.82
Grading	Skid Steer Loaders	1	8.00	65	0.37
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	7.00	231	0.29
Building Construction	Forklifts	0	8.00	89	0.20
Building Construction	Generator Sets	0	8.00	84	0.74
Building Construction	Other Construction Equipment	3	8.00	172	0.42
Building Construction	Paving Equipment	1	8.00	132	0.36
Building Construction	Rough Terrain Forklifts	2	8.00	100	0.40
Building Construction	Rubber Tired Loaders	1	8.00	203	0.36
Building Construction	Signal Boards	2	8.00	6	0.82
Building Construction	Skid Steer Loaders	1	8.00	65	0.37
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37

4-AAI
 cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

Building Construction	Welders	0	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Cement and Mortar Mixers	2	8.00	9	0.56
Paving	Off-Highway Trucks	4	8.00	402	0.38
Paving	Pavers	0	8.00	130	0.42
Paving	Paving Equipment	1	6.00	132	0.36
Paving	Rollers	1	6.00	80	0.38
Paving	Rubber Tired Loaders	1	8.00	203	0.36
Paving	Signal Boards	2	8.00	6	0.82
Paving	Surfacing Equipment	1	8.00	263	0.30
Paving	Tractors/Loaders/Backhoes	2	8.00	97	0.37

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	8	20.00	0.00	544.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	16	40.00	0.00	12,675.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	14	133.00	36.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	27.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	14	35.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.4165	0.0000	5.4165	0.8203	0.0000	0.8203			0.0000			0.0000
Off-Road	3.0890	30.4335	26.7011	0.0501		1.4393	1.4393		1.3547	1.3547		4,820.2159	4,820.2159	1.2324		4,851.0252
Total	3.0890	30.4335	26.7011	0.0501	5.4165	1.4393	6.8558	0.8203	1.3547	2.1749		4,820.2159	4,820.2159	1.2324		4,851.0252

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1886	6.3931	1.6483	0.0187	0.4321	0.0198	0.4518	0.1184	0.0189	0.1373		2,055.0075	2,055.0075	0.1908		2,059.7773
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0785	0.0505	0.4987	1.5300e-003	0.1643	1.1300e-003	0.1654	0.0436	1.0500e-003	0.0446		152.9095	152.9095	4.3900e-003		153.0193
Total	0.2671	6.4435	2.1469	0.0203	0.5964	0.0209	0.6173	0.1620	0.0200	0.1819		2,207.9171	2,207.9171	0.1952		2,212.7966

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.2 Demolition - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.4165	0.0000	5.4165	0.8203	0.0000	0.8203			0.0000			0.0000
Off-Road	3.0890	30.4335	26.7011	0.0501		1.4393	1.4393		1.3547	1.3547	0.0000	4,820.2159	4,820.2159	1.2324		4,851.0252
Total	3.0890	30.4335	26.7011	0.0501	5.4165	1.4393	6.8558	0.8203	1.3547	2.1749	0.0000	4,820.2159	4,820.2159	1.2324		4,851.0252

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.1886	6.3931	1.6483	0.0187	0.4321	0.0198	0.4518	0.1184	0.0189	0.1373		2,055.0075	2,055.0075	0.1908		2,059.7773
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0785	0.0505	0.4987	1.5300e-003	0.1643	1.1300e-003	0.1654	0.0436	1.0500e-003	0.0446		152.9095	152.9095	4.3900e-003		153.0193
Total	0.2671	6.4435	2.1469	0.0203	0.5964	0.0209	0.6173	0.1620	0.0200	0.1819		2,207.9171	2,207.9171	0.1952		2,212.7966

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 13 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.7758	0.0000	1.7758	0.1998	0.0000	0.1998			0.0000			0.0000
Off-Road	3.9173	44.1100	32.5945	0.0782		1.7273	1.7273		1.5929	1.5929		7,506.1590	7,506.1590	2.3908		7,565.9300
Total	3.9173	44.1100	32.5945	0.0782	1.7758	1.7273	3.5031	0.1998	1.5929	1.7927		7,506.1590	7,506.1590	2.3908		7,565.9300

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	1.2557	42.5591	10.9726	0.1247	2.8764	0.1315	3.0078	0.7883	0.1258	0.9141		13,680.2629	13,680.2629	1.2701		13,712.0153
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1569	0.1009	0.9973	3.0700e-003	0.3286	2.2700e-003	0.3309	0.0872	2.0900e-003	0.0893		305.8190	305.8190	8.7900e-003		306.0387
Total	1.4126	42.6600	11.9699	0.1278	3.2049	0.1338	3.3387	0.8754	0.1279	1.0033		13,986.0819	13,986.0819	1.2789		14,018.0539

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.3 Grading - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					1.7758	0.0000	1.7758	0.1998	0.0000	0.1998			0.0000			0.0000
Off-Road	3.9173	44.1100	32.5945	0.0782		1.7273	1.7273		1.5929	1.5929	0.0000	7,506.1590	7,506.1590	2.3908		7,565.9300
Total	3.9173	44.1100	32.5945	0.0782	1.7758	1.7273	3.5031	0.1998	1.5929	1.7927	0.0000	7,506.1590	7,506.1590	2.3908		7,565.9300

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	1.2557	42.5591	10.9726	0.1247	2.8764	0.1315	3.0078	0.7883	0.1258	0.9141		13,680.2629	13,680.2629	1.2701		13,712.0153
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1569	0.1009	0.9973	3.0700e-003	0.3286	2.2700e-003	0.3309	0.0872	2.0900e-003	0.0893		305.8190	305.8190	8.7900e-003		306.0387
Total	1.4126	42.6600	11.9699	0.1278	3.2049	0.1338	3.3387	0.8754	0.1279	1.0033		13,986.0819	13,986.0819	1.2789		14,018.0539

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 15 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

3.4 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479		5,040.3784	5,040.3784	1.6085		5,080.5910
Total	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479		5,040.3784	5,040.3784	1.6085		5,080.5910

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1148	3.6561	1.0402	9.5000e-003	0.2437	8.0100e-003	0.2517	0.0702	7.6600e-003	0.0778		1,021.7495	1,021.7495	0.0796		1,023.7394
Worker	0.5217	0.3355	3.3160	0.0102	1.0926	7.5500e-003	1.1001	0.2898	6.9500e-003	0.2968		1,016.8483	1,016.8483	0.0292		1,017.5786
Total	0.6364	3.9916	4.3562	0.0197	1.3363	0.0156	1.3518	0.3600	0.0146	0.3746		2,038.5978	2,038.5978	0.1088		2,041.3180

4-AAI
cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 16 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

3.4 Building Construction - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479	0.0000	5,040.3784	5,040.3784	1.6085		5,080.5910
Total	3.0842	33.1134	30.5539	0.0524		1.5713	1.5713		1.4479	1.4479	0.0000	5,040.3784	5,040.3784	1.6085		5,080.5910

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1148	3.6561	1.0402	9.5000e-003	0.2437	8.0100e-003	0.2517	0.0702	7.6600e-003	0.0778		1,021.7495	1,021.7495	0.0796		1,023.7394
Worker	0.5217	0.3355	3.3160	0.0102	1.0926	7.5500e-003	1.1001	0.2898	6.9500e-003	0.2968		1,016.8483	1,016.8483	0.0292		1,017.5786
Total	0.6364	3.9916	4.3562	0.0197	1.3363	0.0156	1.3518	0.3600	0.0146	0.3746		2,038.5978	2,038.5978	0.1088		2,041.3180

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 17 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329		5,041.3827	5,041.3827	1.6088		5,081.6034
Total	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329		5,041.3827	5,041.3827	1.6088		5,081.6034

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1067	3.4527	0.9849	9.4000e-003	0.2437	6.9000e-003	0.2506	0.0702	6.6000e-003	0.0768		1,011.9694	1,011.9694	0.0771		1,013.8958
Worker	0.4944	0.3059	3.0770	9.8300e-003	1.0926	7.3800e-003	1.1000	0.2898	6.8000e-003	0.2966		979.5790	979.5790	0.0268		980.2477
Total	0.6011	3.7585	4.0619	0.0192	1.3363	0.0143	1.3506	0.3600	0.0134	0.3734		1,991.5485	1,991.5485	0.1038		1,994.1435

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.4 Building Construction - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329	0.0000	5,041,382.7	5,041,382.7	1.6088		5,081,603.4
Total	2.7643	28.8758	30.2344	0.0524		1.3377	1.3377		1.2329	1.2329	0.0000	5,041,382.7	5,041,382.7	1.6088		5,081,603.4

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.1067	3.4527	0.9849	9.4000e-003	0.2437	6.9000e-003	0.2506	0.0702	6.6000e-003	0.0768		1,011,969.4	1,011,969.4	0.0771		1,013,895.8
Worker	0.4944	0.3059	3.0770	9.8300e-003	1.0926	7.3800e-003	1.1000	0.2898	6.8000e-003	0.2966		979.5790	979.5790	0.0268		980.2477
Total	0.6011	3.7585	4.0619	0.0192	1.3363	0.0143	1.3506	0.3600	0.0134	0.3734		1,991,548.5	1,991,548.5	0.1038		1,994,143.5

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.5 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	177.8707					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749
Total	178.1434	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1004	0.0621	0.6246	2.0000e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		198.8619	198.8619	5.4300e-003		198.9977
Total	0.1004	0.0621	0.6246	2.0000e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		198.8619	198.8619	5.4300e-003		198.9977

4-AAI cont'd

3.5 Architectural Coating - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	177.8707					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749
Total	178.1434	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1004	0.0621	0.6246	2.0000e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		198.8619	198.8619	5.4300e-003		198.9977
Total	0.1004	0.0621	0.6246	2.0000e-003	0.2218	1.5000e-003	0.2233	0.0588	1.3800e-003	0.0602		198.8619	198.8619	5.4300e-003		198.9977

4-AAI cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.6 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.4091	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535		7,664.9349	7,664.9349	2.4352		7,725.8137
Paving	0.0226					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	3.4318	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535		7,664.9349	7,664.9349	2.4352		7,725.8137

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1301	0.0805	0.8097	2.5900e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		257.7840	257.7840	7.0400e-003		257.9599
Total	0.1301	0.0805	0.8097	2.5900e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		257.7840	257.7840	7.0400e-003		257.9599

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

3.6 Paving - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	3.4091	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535	0.0000	7,664.9349	7,664.9349	2.4352		7,725.8137
Paving	0.0226					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	3.4318	28.6510	25.5806	0.0799		1.1402	1.1402		1.0535	1.0535	0.0000	7,664.9349	7,664.9349	2.4352		7,725.8137

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1301	0.0805	0.8097	2.5900e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		257.7840	257.7840	7.0400e-003		257.9599
Total	0.1301	0.0805	0.8097	2.5900e-003	0.2875	1.9400e-003	0.2895	0.0763	1.7900e-003	0.0781		257.7840	257.7840	7.0400e-003		257.9599

4.0 Operational Detail - Mobile

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.7216	10.4110	30.8862	0.1067	10.0331	0.0845	10.1175	2.6813	0.0787	2.7600		10,862.6307	10,862.6307	0.5684		10,876.8406
Unmitigated	2.7216	10.4110	30.8862	0.1067	10.0331	0.0845	10.1175	2.6813	0.0787	2.7600		10,862.6307	10,862.6307	0.5684		10,876.8406

4-AAI
cont'd

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	564.00	564.00	564.00	1,664,152	1,664,152
City Park	0.00	0.00	0.00		
Enclosed Parking with Elevator	0.00	0.00	0.00		
General Office Building	70.03	70.03	70.03	175,445	175,445
High Turnover (Sit Down Restaurant)	550.29	550.29	550.29	1,274,735	1,274,735
Hotel	300.00	300.00	300.00	603,293	603,293
Parking Lot	0.00	0.00	0.00		
Quality Restaurant	187.06	187.06	187.06	445,494	445,494
Strip Mall	291.29	291.29	291.29	568,918	568,918
Total	1,962.67	1,962.67	1,962.67	4,732,038	4,732,038

4.3 Trip Type Information

Fenway North Coast Highway 101 - San Diego County, Winter

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	41.60	18.90	39.50	89	11	0
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Enclosed Parking with Elevator	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
General Office Building	9.50	7.30	7.30	33.00	48.00	19.00	81	19	0
High Turnover (Sit Down	9.50	7.30	7.30	8.50	72.50	19.00	80	20	0
Hotel	9.50	7.30	7.30	19.40	61.60	19.00	62	38	0
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Quality Restaurant	9.50	7.30	7.30	12.00	69.00	19.00	82	18	0
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	60	40	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
City Park	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000
Enclosed Parking with Elevator	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
General Office Building	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
High Turnover (Sit Down Restaurant)	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Hotel	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Parking Lot	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Quality Restaurant	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056
Strip Mall	0.602700	0.040134	0.179939	0.104242	0.014985	0.005435	0.016642	0.024350	0.001934	0.001888	0.005938	0.000757	0.001056

4-AAI cont'd

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

CalEEMod Version: CalEEMod.2016.3.2

Page 25 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264
NaturalGas Unmitigated	0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3264

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 26 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2890.95	0.0312	0.2664	0.1134	1.7000e-003		0.0215	0.0215		0.0215	0.0215		340.1115	340.1115	6.5200e-003	6.2400e-003	342.1327
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	201.236	2.1700e-003	0.0197	0.0166	1.2000e-004		1.5000e-003	1.5000e-003		1.5000e-003	1.5000e-003		23.6749	23.6749	4.5000e-004	4.3000e-004	23.8155
High Turnover (Sit Down Restaurant)	1865.63	0.0201	0.1829	0.1536	1.1000e-003		0.0139	0.0139		0.0139	0.0139		219.4855	219.4855	4.2100e-003	4.0200e-003	220.7898
Hotel	2895.95	0.0312	0.2839	0.2385	1.7000e-003		0.0216	0.0216		0.0216	0.0216		340.7002	340.7002	6.5300e-003	6.2500e-003	342.7248
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1019.53	0.0110	0.1000	0.0840	6.0000e-004		7.6000e-003	7.6000e-003		7.6000e-003	7.6000e-003		119.9442	119.9442	2.3000e-003	2.2000e-003	120.6570
Strip Mall	52.4447	5.7000e-004	5.1400e-003	4.3200e-003	3.0000e-005		3.9000e-004	3.9000e-004		3.9000e-004	3.9000e-004		6.1700	6.1700	1.2000e-004	1.1000e-004	6.2066
Total		0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3265

4-AAI cont'd

CalEEMod Version: CalEEMod.2016.3.2

Page 27 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2.89095	0.0312	0.2664	0.1134	1.7000e-003		0.0215	0.0215		0.0215	0.0215		340.1115	340.1115	6.5200e-003	6.2400e-003	342.1327
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Enclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
General Office Building	0.201236	2.1700e-003	0.0197	0.0166	1.2000e-004		1.5000e-003	1.5000e-003		1.5000e-003	1.5000e-003		23.6749	23.6749	4.5000e-004	4.3000e-004	23.8155
High Turnover (Sit Down Restaurant)	1.86563	0.0201	0.1829	0.1536	1.1000e-003		0.0139	0.0139		0.0139	0.0139		219.4855	219.4855	4.2100e-003	4.0200e-003	220.7898
Hotel	2.89595	0.0312	0.2839	0.2385	1.7000e-003		0.0216	0.0216		0.0216	0.0216		340.7002	340.7002	6.5300e-003	6.2500e-003	342.7248
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Quality Restaurant	1.01953	0.0110	0.1000	0.0840	6.0000e-004		7.6000e-003	7.6000e-003		7.6000e-003	7.6000e-003		119.9442	119.9442	2.3000e-003	2.2000e-003	120.6570
Strip Mall	0.0524447	5.7000e-004	5.1400e-003	4.3200e-003	3.0000e-005		3.9000e-004	3.9000e-004		3.9000e-004	3.9000e-004		6.1700	6.1700	1.2000e-004	1.1000e-004	6.2066
Total		0.0963	0.8581	0.6104	5.2500e-003		0.0665	0.0665		0.0665	0.0665		1,050.0863	1,050.0863	0.0201	0.0193	1,056.3265

4-AAI cont'd

6.0 Area Detail

6.1 Mitigation Measures Area

Use only Natural Gas Hearths

Fenway North Coast Highway 101 - San Diego County, Winter

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468
Unmitigated	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8772					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3817					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	143.8571	2.8094	177.5760	0.3217		24.8979	24.8979		24.8979	24.8979	2,610.5427	1,094.8235	3,705.3662	2.4091	0.2053	3,826.7847
Landscaping	0.2366	0.0897	7.7882	4.1000e-004		0.0431	0.0431		0.0431	0.0431		14.0311	14.0311	0.0136		14.3712
Total	147.3526	2.8991	185.3642	0.3221		24.9409	24.9409		24.9409	24.9409	2,610.5427	1,108.8546	3,719.3973	2.4227	0.2053	3,841.1558

4-AAI
cont'd

Fenway North Coast Highway 101 - San Diego County, Winter

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.8772					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.3817					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.1642	1.4034	0.5972	8.9600e-003		0.1135	0.1135		0.1135	0.1135	0.0000	1,791.5294	1,791.5294	0.0343	0.0328	1,802.1756
Landscaping	0.2366	0.0897	7.7882	4.1000e-004		0.0431	0.0431		0.0431	0.0431		14.0311	14.0311	0.0136		14.3712
Total	3.6597	1.4931	8.3854	9.3700e-003		0.1565	0.1565		0.1565	0.1565	0.0000	1,805.5605	1,805.5605	0.0479	0.0328	1,816.5468

4-AAI
cont'd

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
----------------	--------	-----------	-----------	-------------	-------------	-----------

10.0 Stationary Equipment

CalEEMod Version: CalEEMod.2016.3.2

Page 30 of 30

Date: 11/4/2021 12:47 PM

Fenway North Coast Highway 101 - San Diego County, Winter

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
----------------	--------	-----------	------------	-------------	-------------	-----------

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
----------------	--------	----------------	-----------------	---------------	-----------

User Defined Equipment

Equipment Type	Number
----------------	--------

11.0 Vegetation



4-AAI
 cont'd

Attachment B

Attachment C

Construction		Total		Operation	
Annual Emissions (tons/year)	0.1159	Total DPM (lbs)	375.4739726	Annual Emissions (tons/year)	0.0273
Daily Emissions (lbs/day)	0.615060493	Total DPM (g)	170334.996	Daily Emissions (lbs/day)	0.149500461
Construction Duration (days)	122	Total Construction Days	460	Emission Rate (g/s)	0.000785142
Total DPM (lbs)	77.47835616	Emission Rate (g/s)	0.004285301	Release Height (meters)	3
Total DPM (g)	35144.18236	Release Height (meters)	3	Total Acreage	3.8
Start Date	9/1/2021	Total Acreage	3.8	Max Horizontal (meters)	175.37
End Date	1/1/2022	Max Horizontal (meters)	175.37	Min Horizontal (meters)	87.69
Construction Days	122	Min Horizontal (meters)	87.69	Initial Vertical Dimension (meters)	1.5
Annual Emissions (tons/year)	0.1609	Initial Vertical Dimension (meters)	1.5	Setting	Urban
Daily Emissions (lbs/day)	0.881643836	Setting	Urban	Population	62,780
Construction Duration (days)	338	Population	62,780	Total Pounds of DPM	54.6
Total DPM (lbs)	297.9956164	Start Date	9/2/2021	Total DPM (lbs)	54.6
Total DPM (g)	135170.8116	End Date	12/5/2022		
Start Date	1/1/2022	Total Construction Days	460		
End Date	12/5/2022	Total Years of Construction	1.26		
Construction Days	338	Total Years of Operation	28.74		

Start date and time 11/05/21 09:37:07

AERSCREEN 16216

Fenway North Coast Highway 101 (Construction)

Fenway North Coast Highway 101 (Construction)

----- DATA ENTRY VALIDATION -----

4-AAI
cont'd

METRIC	ENGLISH
** AREADATA **	-----
Emission Rate:	0.429E-02 g/s 0.340E-01 lb/hr
Area Height:	3.00 meters 9.84 feet
Area Source Length:	175.37 meters 575.36 feet
Area Source Width:	87.69 meters 287.70 feet
Vertical Dimension:	1.50 meters 4.92 feet
Model Mode:	URBAN
Population:	62780
Dist to Ambient Air:	1.0 meters 3. feet
** BUILDING DATA **	

4-AAI
cont'd

0.0 Preface

No Building Downwash Parameters

** TERRAIN DATA **

No Terrain Elevations

Source Base Elevation: 0.0 meters 0.0 feet

Probe distance: 5000. meters 16404. feet

No flagpole receptors

No discrete receptors used

** FUMIGATION DATA **

No fumigation requested

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K -9.7 / 98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

Dominant Surface Profile: Urban

Dominant Climate Type: Average Moisture

Surface friction velocity (u*): not adjusted

DEBUG OPTION ON

4-AAI
cont'd

AERSCREEN output file:

2021.11.05_MareaVillage_AERSCREEN_Construction.out

*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run

SURFACE CHARACTERISTICS & MAKEMET

Obtaining surface characteristics...

4-AAI
cont'd

Using AERMET seasonal surface characteristics for Urban with Average Moisture

Season	Albedo	Bo	zo
Winter	0.35	1.50	1.000
Spring	0.14	1.00	1.000
Summer	0.16	2.00	1.000
Autumn	0.18	2.00	1.000

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 11/05/21 09:39:19

Running AERMOD

Processing Winter

Processing surface roughness sector 1

4-AAI
cont'd

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 5

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 10

***** WARNING MESSAGES *****

*** NONE ***

4-AAI
cont'd

```

*****
Processing wind flow sector  4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  15

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector  5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  20

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector  6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  25

***** WARNING MESSAGES *****
*** NONE ***

*****

```

4-AAI
cont'd

```

Processing wind flow sector  7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  30

***** WARNING MESSAGES *****
*** NONE ***

*****

Running AERMOD
Processing Spring

Processing surface roughness sector  1

*****
Processing wind flow sector  1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  0

***** WARNING MESSAGES *****
*** NONE ***

*****

Processing wind flow sector  2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  5

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4-AAI
cont'd


```
***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 10

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 15

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 20
```

4-AAI
cont'd

```
***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 25

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 30

***** WARNING MESSAGES *****
*** NONE ***

*****
Running AERMOD
Processing Summer

Processing surface roughness sector 1
```

4-AAI
cont'd

0.0 Preface

```
*****  
Processing wind flow sector 1  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 0  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 2  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 5  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 3  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 10  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****
```

4-AAI
cont'd

```
Processing wind flow sector 4  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 15  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 5  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 20  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 6  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 25  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 7
```

4-AAI
cont'd

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 30

***** WARNING MESSAGES *****

*** NONE ***

Running AERMOD

Processing Autumn

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 0

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 5

4-AAI
cont'd

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 10

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 15

***** WARNING MESSAGES *****

*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 20

***** WARNING MESSAGES *****

4-AAI
cont'd

0.0 Preface

```
*** NONE ***

*****
Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 25

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 30

***** WARNING MESSAGES *****
*** NONE ***

FLOWSECTOR ended 11/05/21 09:39:30

REFINE started 11/05/21 09:39:30

AERMOD Finishes Successfully for REFINE stage 3 Winter sector 0

***** WARNING MESSAGES *****
```

4-AAI
cont'd

```
*** NONE ***

REFINE ended 11/05/21 09:39:31

*****
AERSCREEN Finished Successfully
With no errors or warnings
Check log file for details
*****

Ending date and time 11/05/21 09:39:33
```

4-AAI
cont'd


```

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.42284E-01 4675.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.41977E-01 4700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.41673E-01 4725.00 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.41374E-01 4750.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.41078E-01 4775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40785E-01 4800.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40496E-01 4825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40211E-01 4850.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39930E-01 4875.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39651E-01 4900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39376E-01 4925.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39104E-01 4950.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.38836E-01 4975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.38571E-01 5000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
    
```

4-AAI
cont'd

```

Start date and time 11/04/21 11:48:53
AERSCREEN 21112
Fenway North Coast Highway 101 (Operations)
----- DATA ENTRY VALIDATION -----
METRIC ENGLISH
** AREADATA ** -----
Emission Rate: 0.785E-03 g/s 0.623E-02 lb/hr
Area Height: 3.00 meters 9.84 feet
Area Source Length: 175.37 meters 575.36 feet
Area Source Width: 87.69 meters 287.70 feet
Vertical Dimension: 1.50 meters 4.92 feet
Model Mode: URBAN
Population: 62780
Dist to Ambient Air: 1.0 meters 3. feet
** BUILDING DATA **
No Building Downwash Parameters
    
```

4-AAI
cont'd

0.0 Preface

** TERRAIN DATA **

No Terrain Elevations

Source Base Elevation: 0.0 meters 0.0 feet

Probe distance: 5000. meters 16404. feet

No flagpole receptors

No discrete receptors used

** FUMIGATION DATA **

No fumigation requested

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K -9.7 / 98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

Dominant Surface Profile: Urban

Dominant Climate Type: Average Moisture

Surface friction velocity (u*): not adjusted

DEBUG OPTION ON

AERSCREEN output file:
2021.11.04_MareaVillage_AERSCREEN_Operations.out

*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run

SURFACE CHARACTERISTICS & MAKEMET

Obtaining surface characteristics...

Using AERMET seasonal surface characteristics for Urban with Average Moisture

4-AAI
cont'd

4-AAI
cont'd

Season	Albedo	Bo	zo
Winter	0.35	1.50	1.000
Spring	0.14	1.00	1.000
Summer	0.16	2.00	1.000
Autumn	0.18	2.00	1.000

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 11/04/21 11:50:09

Running AERMOD

Processing Winter

Processing surface roughness sector 1

4-AAI
cont'd

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 0

***** WARNING MESSAGES *****
 *** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 5

***** WARNING MESSAGES *****
 *** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 10

***** WARNING MESSAGES *****
 *** NONE ***

Processing wind flow sector 4

4-AAI
cont'd

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 15

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 20

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 25

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 7

4-AAI
cont'd

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector 30

***** WARNING MESSAGES *****
*** NONE ***

Running AERMOD

Processing Spring

Processing surface roughness sector 1

Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 0

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector 5

***** WARNING MESSAGES *****

4-AAI
cont'd


```
*** NONE ***

*****
Processing wind flow sector  3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  10

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector  4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  15

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector  5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  20

***** WARNING MESSAGES *****
*** NONE ***
```

4-AAI
cont'd

```
*****
Processing wind flow sector  6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  25

***** WARNING MESSAGES *****
*** NONE ***

*****
Processing wind flow sector  7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  30

***** WARNING MESSAGES *****
*** NONE ***

*****

Running AERMOD
Processing Summer

Processing surface roughness sector  1

*****
Processing wind flow sector  1
```

4-AAI
cont'd

0.0 Preface

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 0

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 5

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 10

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 15

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 20

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 6

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 25

***** WARNING MESSAGES *****
*** NONE ***

Processing wind flow sector 7

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector 30

4-AAI
cont'd

4-AAI
cont'd

```
***** WARNING MESSAGES *****
*** NONE ***
*****

Running AERMOD
Processing Autumn

Processing surface roughness sector 1

*****
Processing wind flow sector 1

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 0

***** WARNING MESSAGES *****
*** NONE ***
*****

Processing wind flow sector 2

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 5

***** WARNING MESSAGES *****
*** NONE ***
```

4-AAI
cont'd

```
*****
Processing wind flow sector 3

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 10

***** WARNING MESSAGES *****
*** NONE ***
*****

Processing wind flow sector 4

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 15

***** WARNING MESSAGES *****
*** NONE ***
*****

Processing wind flow sector 5

AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 20

***** WARNING MESSAGES *****
*** NONE ***
```

4-AAI
cont'd

0.0 Preface

```
*****  
Processing wind flow sector 6  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 25  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
*****  
Processing wind flow sector 7  
  
AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector 30  
  
***** WARNING MESSAGES *****  
*** NONE ***  
  
FLOWSECTOR ended 11/04/21 11:50:18  
  
REFINE started 11/04/21 11:50:18  
  
AERMOD Finishes Successfully for REFINE stage 3 Winter sector 0  
  
***** WARNING MESSAGES *****  
*** NONE ***
```

```
REFINE ended 11/04/21 11:50:19  
  
*****  
AERSCREEN Finished Successfully  
With no errors or warnings  
Check log file for details  
*****  
  
Ending date and time 11/04/21 11:50:21
```

4-AAI
cont'd

4-AAI
cont'd

Attachment D



2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

4-AAI
cont'd

4-AAI
cont'd

0.0 Preface

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surf rider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

4-AAI
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public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

4-AAI
cont'd

- principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

4-AAI
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Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

4-AAI
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0.0 Preface

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

4-AAI
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Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

4-AAI
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Attachment E



SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.
M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.
B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

4-AAI
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Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.** (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermid and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

4-AAI
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Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*, 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy; Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*, 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*, 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellow, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*, 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

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Chollack, T. and **P. Rosenfeld.** (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

4-AAI
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Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23rd Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology. A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

4-AAI
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Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

4-AAI
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0.0 Preface

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

4-AAI
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United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 019-L-2295
Rosenfeld Deposition. 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation
d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition. 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA
Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff*, vs. Marathon Petroleum, LP, *Defendant*.
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

4-AAI
cont'd

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition, 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 09-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

4-AAI
cont'd

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

4-AAI
cont'd

5 BOB EUBANK

-----Original Message-----

From: Bob Eubank <bobeubank@cox.net>
Sent: Friday, November 5, 2021 5:01 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Traffic on La Costa/101

[NOTICE: Caution: External Email]

ATTENTION; Scott Vurbeff

Hi Scott.....I've lived full time in Seabluffe since 1984.....as expected, traffic has increased quite a bit since we moved in, but never has it reached the level it has become recently.....the new hotel, more people moving into the community and SD, and more people getting out of the house as covid is reducing in its impact, has all played a role.....At prime times, especially 4-6pm traffic is backing up on La Costa all the way to the 5.....

5-A

Myself, as well as many of us here in Seabluffe are extremely concerned with the new projects planned between the 5 and 101 on La Costa.....the even bigger concern we have is the next phase of the hotel, Marea Village.....this will increase the traffic dramatically on top of what we have now, increasing the back up past the 5 and creating a nightmare at the off ramps.....my wife and I are using Poinsettia now to avoid this congestion.....

5-B

There is no way we can remedy this situation.....we can't add lanes due to the bridge over the railroad tracks.....

There are 255 units in Seabluffe.....we have only one ingress/egress it has become exceedingly dangerous to make a left turn onto the 101.....even a right turn can be difficult.....with traffic soon to be growing exponentially, I have no idea how we will be able to get on the 101??!!

5-C

5-D

I would strongly urge a reconsideration of all existing plans on La Costa and especially Marea Village.....

Regards,

Bob Eubank,1714 Tattenham Rd, Leucadia.....cell 760 525 8223

5-E

5-A

Comment Summary:

This comment provides an introduction to the letter. The commenter states that traffic has increased since 1984 and currently the traffic between 4:00 PM to 6:00 PM is backed up from La Costa Avenue to Interstate 5 (I-5).

Response:

This comment represents the opinion of the commenter. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

5-B

Comment Summary:

The commenter is concerned that the proposed project would exacerbate traffic, particularly between I-5 and La Costa Avenue.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on traffic conditions. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

5-C

Comment Summary:

The commenter states that there is not a solution to remedy the current traffic situation because additional lanes cannot be added due to the bridge and railroad tracks.

-----Original Message-----

From: Bob Eubank <bobeubank@cox.net>
Sent: Friday, November 5, 2021 5:01 PM
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5-A

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5-B

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5-C

5-D

I would strongly urge a reconsideration of all existing plans on La Costa and especially Marea Village.....

Regards,

5-E

Bob Eubank,1714 Tattenham Rd, Leucadia.....cell 760 525 8223

Response:

The City acknowledges the comments provided for the record. However, the comment is expressed as an opinion and does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

5-D

Comment Summary:

The commenter states that Seabluffe only had one ingress/egress and as such it is becoming exceedingly dangerous to make a left or right turn due to traffic.

Response:

Refer to **Master Response 2, Safety**. The City acknowledges the comment provided; however, the comment does not raise an environmental concern pertaining to the proposed project nor address the adequacy of the EIR. No further response is required.

5-E

Comment Summary:

The commenter recommends a reconsideration of all existing plans on La Costa Avenue, including the proposed project.

Response:

The City acknowledges the comments provided for the record. The comment does not raise any environmental concerns relative to the project as proposed nor address the adequacy of the EIR. No further response is required.

6 BONNIE UPPAL

-----Original Message-----

From: Bonnie Uppal <bonnieuppal@gmail.com>
Sent: Friday, November 5, 2021 6:49 PM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Subject: Scott VurbEFF

[NOTICE: Caution: External Email]

Dear Scott VurbEFF,

I'm writing this to plead for leaving nature as it is right nowbefore anymore steps are taken to further erode the majestic Sea Bluff site that would be affected in this build more for the sake of money.

Let it be now. It is hard to even exit and enter easily with the situation as it is. And what gain would there be to further the erosion that owners of this amazing, and peaceful community treasure? It's not a idea that will be looked upon with respect or love.

I doubt if you can ask one owner of this SB community if they think you are wise to consider such additions to this area and my bet is a loud NO!

Respectfully,
B. Alexander

Sent from my iPhone

6-A
6-B
6-C

6-A

Comment Summary:

The commenter expresses opposition to the proposed project and states that the proposed project would further erode the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. The geotechnical investigation conducted for the project site indicated no evidence of active or dormant landsliding. While mapping indicates that the project site is in an area considered to be 'generally susceptible' to landslide activity, the potential for landslide hazard is considered 'negligible' for the subject property and the surrounding areas due to shallow existing ground slopes and proposed grades at the project site.

Therefore, it is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

6-B

Comment Summary:

The commenter states that it is already difficult to enter and exit the Seabluffe Village development and the proposed project would make the situation worse.

Response:

Refer to **Master Response 2, Safety**.

-----Original Message-----

From: Bonnie Uppal <bonnieuppal@gmail.com>
Sent: Friday, November 5, 2021 6:49 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Scott Vurbeff

[NOTICE: Caution: External Email]

Dear Scott Vurbeff,

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Respectfully,
B. Alexander

Sent from my iPhone

6-A
6-B
6-C

6-C

Comment Summary:

The commenter expresses opposition to the proposed project.

Response:

The City acknowledges the commenter's opposition to the project for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

7 CAROLE MAYNE

-----Original Message-----

From: Carole Mayne <cmaynestudio@gmail.com>
Sent: Wednesday, October 20, 2021 10:03 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea mixed use extension

[NOTICE: Caution: External Email]

Dear Sir,

While I feel like I'm spitting in the wind, I will voice my opinion on this project. As the Council didn't listen to the community AT ALL on 1967 Vulcan, and approved the abomination of apartments there, I suppose it's a foregone conclusion Marea will go through, too.

Please do NOT try to tell us this will provide any 'low cost' housing or that the street scapes with the horrible bike/car lanes will in any way mitigate the infrastructure or traffic.

As our family, who has lived in the same home in North Leucadia for 50 years, recognizes progress is necessary, we wish you would find a middle ground that isn't all about numbers and developers \$\$, but keeps the ambience of Encinitas that our General Plan calls for.

Thank you,

The Mayne family (3 generations)

7-A

7-B

7-C

7-D

7-A

Comment Summary:

This comment states that the City Council did not listen to the community's opinion when they accepted 1967 Vulcan. The commenter states that the Council will most likely approve the proposed project.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

7-B

Comment Summary:

The commenter states that the benefit of low-cost housing or streetscapes would not mitigate the assumed impacts to infrastructure and traffic.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

The majority of the project site (Parcels 1 and 2) was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water,

-----Original Message-----

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Sent: Wednesday, October 20, 2021 10:03 AM
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Thank you,

The Mayne family (3 generations)

7-A

7-B

7-C

7-D

stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. The portion of the project site not included in the HEU has been included in the analysis in the EIR to ensure the proposed development does not result in an adverse effect on the adequate provision of utilities and services. As stated in Section 3.14, Utilities and Service Systems, of the EIR, potential project impacts associated with utilities and service systems would be less than significant.

7-C

Comment Summary:

This comment states that the City and community should find a middle ground when it comes to growth and development which follows the City's General Plan.

Response:

This comment expresses the opinion of the commenter and does not raise a specific issue as to the environmental effects of the proposed project or the adequacy of the EIR. The project has been designed in accordance with the requirements of the existing General Plan, Housing Law and objective design standards, and zoning regulations for the property (with exception of the requested increase in maximum height and story limits, as allowed by the density bonus incentives). As stated in Section 3.9, Land Use and Planning, of the EIR, the project would not conflict with the General Plan or Local Coastal Program relative to avoidance or mitigation of an environmental effect and impacts would be less than significant. No further response is required.

0.0 Preface

-----Original Message-----

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Sent: Wednesday, October 20, 2021 10:03 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
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Thank you,

The Mayne family (3 generations)

7-A

7-B

7-C

7-D

7-D

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

8 CHRIS AND DESIRÉ SMITH

From: desire smith <desiresmith12@gmail.com>
Sent: Sunday, October 24, 2021 8:58 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
Subject: Marea Village

[NOTICE: Caution: External Email]

We are opposed to the Marea Village development for the following reasons:

Overdevelopment in Leucadia- 130 room Marea Beach Resort Hotel completed, 1967 Vulcan Avenue approved, Marea Village EIR submitted, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned about 2 miles north of La Costa Avenue on PCH @ Encinas.

-Public Safety - lack of sufficient crosswalks to get across PCH from surrounding neighborhoods. Unsafe vehicular ingress/egress from 255 unit SeaBluffe development. Incomplete bike lanes on 101 and La Costa Avenue. Cumulative development will add approximately 10,000 additional daily trips resulting in more traffic accidents.

-Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon

-Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment development conflicts with City's Climate Action Plan and CEQA

-Culture of Leucadia eroding

-Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs

- BUT MOST IMPORTANTLY, WE ARE IN A DROUGHT AND IT WOULD BE IRRESPONSIBLE TO ALLOW ANY NEW BUILDING INCLUDING 1967 Vulcan until the Governor's state of emergency is lifted; "Gov. Gavin Newsom today declared a drought emergency for the entire state of California, as conservation efforts continue to fall far short of state targets."

Please do your part to save water and make existing residents a priority for any allocation of water. We all know that it takes hundreds if not thousands of gallons of water to make these developments happen.

Sincerely,
Chris and Desiré Smith

Sent from my iPhone

8-A

8-B

8-C

8-D

8-E

8-F

8-G

8-A

Comment Summary:

The commenter states that they are opposed to the proposed project. The commenter states that Leucadia is overdeveloped and lists recent developments in the area.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR have been determined to be reasonably foreseeable. The list was developed in consultation with the City's Planning Department. The projects are considered in the cumulative impact analysis included for each environmental issue area as analyzed in Section 3.0 of the EIR, as appropriate. Refer also to Figure 3.0-1, Cumulative Projects Map, of the EIR for the location of each project relative to the project site.

8-B

Comment Summary:

This comment states that Pacific Coast Highway lacks sufficient crosswalks to the surrounding areas. The comment states that there is unsafe vehicular ingress/egress from the Seabluffe development and that the bike lanes are incomplete along Highway 101 and La Costa Avenue. The commenter states that cumulative development would add approximately 10,000 additional daily trips, resulting in more traffic accidents.

0.0 Preface

From: desire smith <desiresmith12@gmail.com>
Sent: Sunday, October 24, 2021 8:58 PM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
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- Public Safety - lack of sufficient crosswalks to get across PCH from surrounding neighborhoods. Unsafe vehicular ingress/egress from 255 unit SeaBluffe development. Incomplete bike lanes on 101 and La Costa Avenue. Cumulative development will add approximately 10,000 additional daily trips resulting in more traffic accidents.
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- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs
- BUT MOST IMPORTANTLY, WE ARE IN A DROUGHT AND IT WOULD BE IRRESPONSIBLE TO ALLOW ANY NEW BUILDING INCLUDING 1967 Vulcan until the Governor's state of emergency is lifted; "Gov. Gavin Newsom today declared a drought emergency for the entire state of California, as conservation efforts continue to fall far short of state targets."

8-A
8-B
8-C
8-D
8-E
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8-G

Please do your part to save water and make existing residents a priority for any allocation of water. We all know that it takes hundreds if not thousands of gallons of water to make these developments happen.

Sincerely,
Chris and Desiré Smith

Sent from my iPhone

Response:

Refer to **Master Response 2, Safety**, regarding crosswalks and pedestrian safety, and ingress/egress from the Seabluffe community; however, such comments do not address an issue in the EIR relative to CEQA, nor do they question the adequacy of the EIR. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor while also improving safety for such modes of travel.

As part of the proposed project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and to provide connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Such improvements would further enhance the existing streetscape setting and improve mobility along the corridor; refer to Figure 2.0-3A, Site Plan, and Figure 2.0-5, Conceptual Landscape Plan, of the EIR. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation.

Refer also to **Master Response 1, Traffic Level of Service (LOS)**, for discussion on the project's traffic conditions. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

From: desire smith <desiresmith12@gmail.com>
Sent: Sunday, October 24, 2021 8:58 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
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Sincerely,
Chris and Desiré Smith

Sent from my iPhone

8-A
8-B
8-C
8-D
8-E
8-F
8-G

8-C

Comment Summary:

This comment states that there is inadequate drainage on Pacific Coast Highway which can lead to pollution run off into Pacific Ocean and Batiquitos Lagoon.

Response:

The Regional Water Quality Control Board, 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 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 discussed in Impact 3.8-1 of the EIR, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements. In accordance with the requirements of Section A of the state Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants would also be implemented if there is a failure of BMPs.

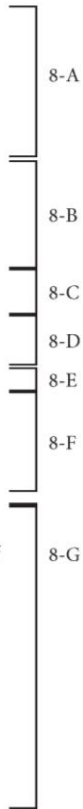
0.0 Preface

From: desire smith <desiresmith12@gmail.com>
Sent: Sunday, October 24, 2021 8:58 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
Subject: Marea Village

[NOTICE: Caution: External Email]

We are opposed to the Marea Village development for the following reasons:

- Overdevelopment in Leucadia- 130 room Marea Beach Resort Hotel completed, 1967 Vulcan Avenue approved, Marea Village EIR submitted, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned about 2 miles north of La Costa Avenue on PCH @ Encinas.
- Public Safety - lack of sufficient crosswalks to get across PCH from surrounding neighborhoods. Unsafe vehicular ingress/egress from 255 unit SeaBluffe development. Incomplete bike lanes on 101 and La Costa Avenue. Cumulative development will add approximately 10,000 additional daily trips resulting in more traffic accidents.
- Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon
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- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs
- BUT MOST IMPORTANTLY, WE ARE IN A DROUGHT AND IT WOULD BE IRRESPONSIBLE TO ALLOW ANY NEW BUILDING INCLUDING 1967 Vulcan until the Governor's state of emergency is lifted; "Gov. Gavin Newsom today declared a drought emergency for the entire state of California, as conservation efforts continue to fall far short of state targets."



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Sincerely,
Chris and Desiré Smith

Sent from my iPhone

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

8-D

Comment Summary:

This comment states that overdevelopment would exacerbate carbon emissions and runoff in the area, which would conflict with the City's CAP and CEQA.

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Sincerely,
Chris and Desiré Smith

Sent from my iPhone

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Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. Refer also to Response to Comment 8-C, above, pertaining to runoff from the site. As stated in Response to Comment 8-A, a cumulative analysis for each environmental issue area is provided in Section 3.0 of the EIR to address the project's potential to contribute to cumulative effects of ongoing development occurring in the area.

Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

8-E

Comment Summary:

This comment states that the culture of Leucadia is eroding.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR relative to CEQA. No further response is warranted.

8-F

Comment Summary:

This comment states that there has been a recent bluff collapse that resulted in death in the City. The commenter states that the development of the proposed project would destabilize the bluffs and divert natural underground waterflow.

Response:

Refer to **Master Response 3, Bluff Stability**. The geotechnical investigation conducted for the project site indicated no evidence of

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active or dormant landsliding. While mapping indicates that the project site is in an area considered to be 'generally susceptible' to landslide activity, the potential for landslide hazard is considered 'negligible' for the subject property and the surrounding areas due to shallow existing ground slopes and proposed grades at the project site. As such, the proposed development would not contribute to bluff instability or otherwise result in or exacerbate potential for geotechnical hazards.

As discussed in Impact 3.8-1 of the EIR, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an on-site underground storage vault. As shown in Table 3.8-1 of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns.

As such, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or destabilization of the adjacent bluffs. Impacts would be less than significant. Therefore, it is not anticipated that the project would have the potential to contribute to or worsen landslide or bluff stability conditions on- or off-site.

8-G

Comment Summary:

This comment states that the governor has declared a drought emergency in the state and that the proposed project would exacerbate drought conditions.

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Response:

Section 3.14, Utilities and Service Systems, of the EIR provides an analysis of water supplies available to serve the project as proposed. Historical water consumption data for the project site was provided in the *Preliminary Water Supply Summary* prepared by the San Dieguito Water District (SDWD); the SDWD also provided a *Project Facility Availability Form (Water)*, indicating that it can adequately provide water service to the project as proposed for the next five years.

According to SDWD's Urban Water Management Plan (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 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. As shown in Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, of the EIR, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

As indicated in Section 3.14, Utilities and Service Systems, of the EIR, the project would increase existing water demands on-site from an estimated 2,266 gallons per day (gpd) to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's UWMP,

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the overall system of the SDWD is adequately sized to accommodate planned buildout under the city's adopted General Plan. The SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. The project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed is consistent with future development as anticipated by the SDWD and by the City and for the subject site.

The analysis provided in the EIR is therefore considered to be adequate and appropriate in evaluating available water supplies to serve the project. As such, implementation of the proposed project would not exacerbate drought conditions. No change to the EIR is required or proposed.

9 CHRIS CARRICO

From: Christ Carrico <chris carrico@cox.net>
Sent: Thursday, October 21, 2021 9:59 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Mr. Vurbeff:

First I would like to say that I am a pro growth person. We need development in a city for it to prosper. However, it has to be done correctly. My biggest concern is traffic. In most new developments a developer has room to build roads to accommodate the additional cars that the project will bring in. Marea Village has a different problem than most developments. On the West side of the project is an ocean so you cant put anything additional there and on the Northside you have a lagoon. That leaves the East and South. East side is almost completely developed and so is the South. The city is doing a new project which took the 4 lane coast hwy. down to 3 and one of the three lanes is a bike lane. Since the hotel Marea Hotel came in, the traffic has increased a little, more on La Costa than Coast Hwy. Just that little increase has caused a problem for the people in Seabluffe to exit. On the weekends more, it is now very difficult to go North on Coast Hwy. There are more accidents now than before. With the increase of traffic from Marea Village, the apts. Across on Vulcan and the homes going in on La Costa the traffic will increase to a unmanageable situation.

I think the problem of traffic needs to be addressed first, how is this problem going to be solved. I know the city says a roundabout but on Leucadia Blvd. that doesn't have the traffic that Coast Hwy will have, it is difficult sometimes for people to enter the circle. Knowing the stream of traffic that will be coming getting a break to enter the circle will be difficult. Now it will create a problem both north and south.

The bike lanes are causing some problems now and I know the city loves their bike lanes. I do too because I use them but it is a little frightening sometimes both for the cars and bikes.

9-A

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9-A

Comment Summary:

The commenter states that they are pro-growth but they are concerned about traffic.

Response:

The City acknowledges the comment provided for the record. This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on LOS and cumulative LOS analysis. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

9-B

Comment Summary:

This comment states that the proposed project is not able to build roads or lanes to accommodate additional cars that may be generated by the project because of the ocean to the west, lagoon to the north, and existing development to the east and south. The commenter states that the City is implementing a project that would reduce Highway 101 from four lanes to three lanes, with one of the lanes as a bike lane.

Response:

The City acknowledges the comments provided; however, they do not raise a specific environmental concern or question the adequacy of the EIR relative to CEQA. The City acknowledges that the commenter is referring to the North Highway 101 Streetscape Improvement Project, which proposes to reduce travel lanes along Highway 101 from four lanes to three in order to provide traffic-calming, increased pedestrian

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9-A

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9-D

The bike lanes are causing some problems now and I know the city loves their bike lanes. I do too because I use them but it is a little frightening sometimes both for the cars and bikes.

9-E

and bicycle safety, and other measures aimed at improving traffic flows and circulation within the corridor.

9-C

Comment Summary:

This comment states that traffic on La Costa Avenue and Highway 101 has increased since Marea Hotel was developed. The commenter states that accidents have increased on Highway 101. The commenter states that traffic will increase once the apartments on Vulcan Avenue and homes on La Costa Avenue are constructed.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on LOS and cumulative LOS analysis. Refer to **Master Response 2, Safety**, for more information on safety conditions and measures.

It should be noted that the LOS analysis, which addresses potential traffic generation and trip distribution relative to the proposed project, is provided in EIR Appendix L-2; however, as LOS and auto delay are excluded from evaluation of potential transportation impacts under current CEQA Guidelines, such information was not incorporated into the EIR. However, the data provided in the LOS analysis will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS.

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9-D

Comment Summary:

The commenter inquires how traffic is going to be addressed. The commenter states that a roundabout will create traffic problems on Highway 101.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)** and **Master Response 2, Safety**. Construction activities within the Highway 101 corridor associated with the project would be limited to the proposed roundabout, access drive, and median improvements/landscaping. Construction of the roundabout would not create traffic problems on Highway 101 and rather, is intended to improve traffic flows, in combination with other planned and existing roundabouts within the corridor.

As indicated in Appendix L-2 of the EIR [*City of Encinitas Marea Village Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Local Transportation Analysis; 2022*], with installation of the roundabout at the project entrance, a delay in traffic was identified at the intersection of La Costa Avenue and Sheridan Road under the cumulative and horizon year scenarios; no substantial increase in travel delays was identified along the Highway 101 corridor. As stated above, as LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS or that the project would otherwise cause substantial new "traffic problems" along Highway 101. Refer to EIR Appendix L-2 for additional discussion.

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9-E

Comment Summary:

This comment states that bike lanes are causing problems on Highway 101 and that using the bike lanes can be frightening due to the cars.

Response:

Refer to **Master Response 2, Safety**, for additional discussion. The City acknowledges the commenter's concerns regarding bicyclist safety along the corridor; however, this comment does not raise an issue relative to the project as proposed or to the adequacy of the EIR. As stated in Section 2.0, Project Description, of the EIR, the project has been designed with consideration for the City's North Highway 101 Streetscape Improvement Project, which will result in construction of a new dedicated bike lane and enhancements, combined with other traffic-calming measures, to improve bicyclist (and pedestrian) safety along the Highway 101 corridor.

If the city can address the additional 10,000 car trips before the development is approved that would be a step in the right direction. The city says a roundabout but I would like to suggest a signal that only turns red when a car wants to exit Seabluffe. There are many problems with the roundabout.

9-F

My other concern is the bluff. The water will be diverted and more condensed to the north and south. There is already 24/7 water drainage in the bluff that weakens its stability by water runoff from above.

9-G

I am not objecting to the project just the size of it. It needs to be less intrusive on the small space.

9-H

Thank you for your time and I am hoping the city is truly considering these issues along with all the others.

Sincerely,

9-I

Chris Carrico
760-473-4738

9-F

Comment Summary:

This comment states that the proposed project would result in 10,000 additional car trips. The commenter suggests that the City should construct a signal intersection instead of a roundabout.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on LOS and cumulative LOS analysis. Refer to **Master Response 2, Safety**, for more information on safety conditions and measures. In accordance with CEQA, the LOS analysis provided in Appendix L-2 is not addressed in this EIR. However, the LOS analysis will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

The project as designed proposes construction of a roundabout at the project entrance drive as part of the intended improvements. Installation of a traffic signal required or proposed in association with the project.

9-G

Comment Summary:

The commenter is concerned with the bluff and water diversion that would decrease the stability of the bluff.

Response:

Refer to **Master Response 3, Bluff Stability**. The proposed project would not substantially alter the existing drainage pattern of the site or

0.0 Preface

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9-G

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9-H

Thank you for your time and I am hoping the city is truly considering these issues along with all the others.

9-I

Sincerely,

Chris Carrico
760-473-4738

area in a manner that would result in substantial erosion or destabilization of the adjacent bluffs. Impacts in this regard were determined to be less than significant in the EIR. Therefore, it is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site.

9-H

Comment Summary:

The commenter states that they do not oppose the project but would prefer a smaller project.

Response:

This comment represents the opinion of the commenter. The comment does not raise any environmental concerns nor address the adequacy of the EIR. Refer also to Section 3.1, Aesthetics, of the EIR, which provides an evaluation of the project and consistency with surrounding character of the Leucadia neighborhood. Refer to EIR Section 5.0, Alternatives, for an alternatives analysis, including the Reduced Residential and Reduced Building Footprint alternatives.

9-I

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

10 DARRIUS MILLER

From: Darius Miller <dariuspmiller@gmail.com>
Sent: Thursday, November 4, 2021 8:16 AM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

To whom it may concern,

I am opposed to the Marea Village development. As a resident nearby, I am worried about the impact that the underground digging will have on the Bluff stability, we don't want this to be the cause of any bluff failures. -darius miller

10-A

10-A

Comment Summary:

The commenter states that they are opposed to the proposed project and that they are worried about the stability of the bluffs due to digging from construction of the proposed project.

Response:

Refer to **Master Response 3, Bluff Stability**. The geotechnical investigation conducted for the project site indicated no evidence of active or dormant landsliding. While mapping indicates that the project site is in an area considered to be 'generally susceptible' to landslide activity, the potential for landslide hazard is considered 'negligible' for the subject property and the surrounding areas due to shallow existing ground slopes and proposed grades at the project site. As such, the proposed development would not contribute to bluff instability or otherwise result in or exacerbate potential for geotechnical hazards.

Therefore, it is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

11 DELORES LOEDEL

From: kaindee@cox.net <kaindee@cox.net>
Sent: Thursday, October 28, 2021 8:08 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Council Members <council@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

Good morning Mr. Vurbeff and Council Members,

I have lived on Hillcrest Drive for 25 years having raised three children here, sending them to our elementary, junior high, and high schools in our district and onto MiraCosta College (where I teach) and to transfer. I have been active in the community for many years, advocating for the northwest corridor of Leucadia. As such, it gives me great pleasure to say how happy I am with the design and elements of the Marea Village. It looks absolutely beautiful and perfect and I can't wait to visit this area.

Now, I just hope that the city will one day realize how badly our corridor needs a pedestrian railroad crossing and take active measures to address this issue. Currently, the city is planning to continue to devote their next railroad funding and efforts towards a crossing at Verdi-Montgomery. This makes absolutely no sense to me. How can this area be given priority when there isn't even anything on the other side of the tracks for these residents to cross to? Meanwhile, we have a grocery store, restaurants, coffee shops, hotels, the post office, other retail establishments, and Grandview beach. The only thing the Verdi crossing would have very limited access to is the beach and there isn't even a legal beach access at that crossing! Council – please rethink your priorities!

Thank you for your time and for all you do for our community. I am enjoying the improvements in our area, especially the lighted crossings on the 101. Once we get across the tracks (illegally) and make sure the cars travelling at 40-45 mph are actually going to stop, it is wonderful to be able to do so without darting between traffic!

Delores Loedel

11-A

11-B

11-C

11-A

Comment Summary:

The commenter states that the design of the proposed project looks beautiful.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

11-B

Comment Summary:

This comment states that the City should construct a pedestrian railroad crossing near the proposed project instead of the proposed crossing at Verdi-Montgomery.

Response:

The City acknowledges the comments provided for the record. A pedestrian railroad crossing is not proposed as part of this project. Any future pedestrian railroad crossing would be independent of the proposed project. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

From: kaindee@cox.net <kaindee@cox.net>
Sent: Thursday, October 28, 2021 8:08 AM
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Subject: Marea Village

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11-A

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11-B

Thank you for your time and for all you do for our community. I am enjoying the improvements in our area, especially the lighted crossings on the 101. Once we get across the tracks (illegally) and make sure the cars travelling at 40-45 mph are actually going to stop, it is wonderful to be able to do so without darting between traffic!

11-C

Delores Loedel

11-C

Comment Summary:

The commenter states that they enjoy the improvements that are being made to the area but would like traffic to improve.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact relative to traffic congestion or potential effects on local roadways. However, the LOS analysis will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR.

12 DESIRÉ SMITH

From: desire smith <desiresmith12@gmail.com>
Sent: Monday, November 1, 2021 12:33 PM
To: Council Members <council@encinitasca.gov>; Scott Vurbeff <SVurbeff@encinitasca.gov>; Planning <planning@encinitasca.gov>
Subject: Marea

[NOTICE: Caution: External Email]

Dear Scott and Council,

Please consider that No building should be done near any bluff including Marea until this Study is completed as it may provide critical information that geologically could pertain to the Marea effects on our bluff. We don't need another accident and lawsuit.

Thank you,
Desiré Smith



Sent from my iPhone

12-A

12-A

Comment Summary:

This comment states that the proposed project should not be constructed until the geotechnical study has been completed so potential impacts to the bluffs can be accurately assessed.

Response:

Refer to **Master Response 3, Bluff Stability**. The project is not considered to have the potential to expose people or structures to potential adverse hazards relative to landslides on-site. Therefore, it is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site.

13 DOLORES WELTY – OCTOBER 14, 2021

-----Original Message-----

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Thursday, October 14, 2021 1:07 PM
To: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: Marea Village Development

[NOTICE: Caution: External Email]

Good Morning Anna,

I hope all is well with you and you are enjoying our fall weather. I missed the big lightning and thunder storm, but that was certainly a crashing beginning to the season.

I am writing about the Marea Village proposal. I wrote Scott and asked to be noticed when the Environmental Study is ready for comment, and I am writing you to ask to be noticed about any meetings that might occur that I can attend. Also, I would like to see the materials that have been delivered to the city. You can send them by mail to my above address.

Our little neighborhood of Leucadia is very popular these days. I think the Planning Department and Planning Commission have been doing a very good job considering so many are "by right" or density bonus proposals -- which I think are hypocritical in their gaining low cost housing for us, but there we all are. I am also concerned about allowing whole large developments to be rentals only. A study made years ago showed that upkeep deteriorates when rental density goes over 60% of the building. Unit ownership provides good examples and pressure to maintain upkeep, both by residents and by owners of the rental units. What is proposed for Marea Village?

Many thanks for you good work and your attention to my request.

Sincerely,
Dolores Welty

13-A

13-B

13-C

13-D

13-A

Comment Summary:

This comment is an introduction to the letter. The commenter requests a copy of the EIR be sent to her address.

Response:

The City provided the link to the EIR to the commenter when responding to the comment letter. No further response is required.

13-B

Comment Summary:

The commenter states that the City Planning Department and Planning Commission has done a good job at approving 'by-right' projects and implementing density bonus proposals.

Response:

The City acknowledges the comment provided for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

13-C

Comment Summary:

The commenter is concerned about the quantity of rental units the project is proposing. The commenter asks how many rental units are proposed for the project.

Response:

As described in EIR Section 2.0, Project Description, the project proposes 94 for-lease apartment units. Site 1 is zoned Limited Visitor-

0.0 Preface

-----Original Message-----
From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Thursday, October 14, 2021 1:07 PM
To: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: Mara Village Development

[NOTICE: Caution: External Email]

Good Morning Anna,
I hope all is well with you and you are enjoying our fall weather. I missed the big lightning and thunder storm, but that was certainly a crashing beginning to the season.

I am writing about the Marea Village proposal. I wrote Scott and asked to be noticed when the Environmental Study is ready for comment, and I am writing you to ask to be noticed about any meetings that might occur that I can attend. Also, I would like to see the materials that have been delivered to the city. You can send them by mail to my above address.

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Many thanks for you good work and your attention to my request.
Sincerely,
Dolores Welty

13-A

13-B

13-C

13-D

Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre. The proposed 94 residential units therefore meet the allotted minimum unit count.

The proposed apartment units are consistent with that allowed under the existing zoning for the subject property. No change to the existing zoning or General Plan land use is required or proposed to allow for project implementation.

13-D

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

14 DOLORES WELTY – NOVEMBER 8, 2021

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Monday, November 8, 2021 10:22 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: Marea Village Environmental impact report

[NOTICE: Caution: External Email]

Dear Planner Scott Vurbeff:

Thank you for this opportunity to comment on the Marea Village Environmental Impact Report.

I am especially concerned about the impact on the stability of the bluff of building such massive underground parking. Many of us living in this area believe vibration impacts from construction are at least partially responsible for instability to the bluff area. We would like note to be taken. What can the developer do to measure vibration impacts to the bluff area?

Drainage is always a problem. The developer plans drainage to Batiquitos Lagoon which already accepts the drainage from the adjacent hotel and other developments. Batiquitos is a nature preserve and needs to be kept as clean as possible. Will the development run-off be consistently monitored? What agency will be tasked with this duty, and which will pay for it? How does the developer plan to cleanse the run-off water?

Leucadia lacks parks. Where is the park for this development? Will the park space be shared with current residents? What amount of park space is required by California law for the number of people occupying this development?

Traffic impacts along La Costa are already massive. Because of Covid-19, the traffic has been much lighter than usual. When was the traffic survey made? Will the developer be required to make a new survey before beginning development that includes regular traffic use?

14-A

14-B

14-C

14-D

14-A

Comment Summary:

This comment states that they are concerned about the stability of the bluff due to construction of the project and the underground parking. The commenter is concerned about vibration impacts to the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

14-B

Comment Summary:

This comment states concern about drainage from the project flowing into the Batiquitos Lagoon. The commenter asks if the runoff will be monitored and what agency would be responsible for monitoring. The commenter wants to know the developer will cleanse the runoff.

Response:

As discussed in Section 3.8, Hydrology and Water Quality, of the EIR, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1 of the EIR, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

0.0 Preface

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Monday, November 8, 2021 10:22 AM
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Subject: Marea Village Environmentl impact report

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14-A

Drainage is always a problem. The developer plans drainage to Batiquitos Lagoon which already accepts the drainage from the adjacent hotel and other developments. Batiquitos is a nature preserve and needs to be kept as clean as possible. Will the development run-off be consistently monitored? What agency will be tasked with this duty, and which will pay for it? How does the developer plan to cleanse the run-off water?

14-B

Leucadia lacks parks. Where is the park for this development? Will the park space be shared with current residents? What amount of park space is required by California law for the number of people occupying this development?

14-C

Traffic impacts along La Costa are already massive. Because of Covid-19, the traffic has been much lighter than usual. When was the traffic survey made? Will the developer be required to make a new survey before beginning development that includes regular traffic use?

14-D

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1 of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

14-C

Comment Summary:

The commenter asks what parks would be included in the project and whether the project’s parks would be open to the public. The commenter also wants to know the amount of park space that the project is required to include by California law.

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Monday, November 8, 2021 10:22 AM
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Cc: Kathy Hollywood <khollywood@encinitasca.gov>
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Traffic impacts along La Costa are already massive. Because of Covid-19, the traffic has been much lighter than usual. When was the traffic survey made? Will the developer be required to make a new survey before beginning development that includes regular traffic use?

14-A

14-B

14-C

14-D

Response:

Refer to Section 2.0, Project Description, of the EIR, which provides a detailed discussion of the project components proposed. The project does not propose a “public park;” however, as part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage social interaction and community engagement. A pedestrian bridge would also be constructed at the north end of the project site to connect the proposed 34-room hotel to the adjacent Alila Marea Beach Resort and to provide indirect access to South Ponto State Beach. Additionally, the project has been designed to conform with zoning requirements for the provision of open space for each residential unit. Approximately 6,575 SF total (100 SF/dwelling unit) of private open space and 21,344 SF (or 200 SF/dwelling unit) of common amenity open space are proposed with the development.

14-D

Comment Summary:

This comment states that there is heavy traffic on La Costa Avenue. The commenter asks when the traffic studies were conducted and whether the traffic studies were affected by lighter traffic due to COVID-19.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection.

A *Local Transportation Analysis* was prepared for the project (LOS Engineering, Inc., 2022; refer to EIR Appendix L-2). The commenter expresses concerns about the timing of the traffic counts conducted for the LOS study. Intersection counts were collected between 7:00 AM to 9:00 AM for the AM commuter period and from 4:00 PM to 6:00 PM for

0.0 Preface

Fifty two homes along La Costa Avenue can use only La Costa Avenue to access the I-5 Freeway or Highway 101. We are managing pretty well at this time since La Costa is only a two-lane road. We do not want a four lane. What accommodation is the developer required to make to La Costa for the traffic proposed for his development?

14-E

What are the impacts to the La Costa/101 intersection?

14-F

Will the developer help provide funding for a protected sidewalk and bike lane along La Costa and along 101? These enhance a tourist experience and help diminish traffic concerns.

14-G

Development in this area is being piece-mealed. Each project is being dealt with as if it were the only one proposed. Who is responsible for evaluating the proposed impacts to this area of Leucadia by all the potential projects as a bunch, including the new proposals from Carlsbad?

14-H

What is the mechanism the City of Encinitas provides for evaluating cumulative development?

14-I

Allowing density bonus development may be mandated by the state, but I wish to take this opportunity to express once again my dislike of such miniscule attempts to provide decent housing for the low wage worker. Housing costs rise for many reasons and if we are going to continue paying low wages, then we will have to subsidize housing for those workers through more mechanisms than density bonus as well as through efficient public transportation to the coast from more affordable housing cost areas inland. A minimum wage of \$7.50 is a joke and raising it to \$15.00 is an insult. If the minimum wage had been raised since 1970 to keep up with inflation, it would now be \$27.00 an hour, according to economists. Of course this still would not allow a low wage earner to purchase a "West of I-5" home since housing prices here have raced far beyond inflationary costs.

14-J

Thank you for your attention to my concerns. I appreciate your diligence and your work very much.

Sincerely,

Dolores Welty

2076 Sheridan Road,

Leucadia 92024

760-942-9897

14-K

the PM commuter period. Traffic counts were conducted between November 2019 and February 2020. As such, the traffic counts were conducted prior to the COVID-19 lockdowns that disrupted normal traffic conditions.

For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

14-E

Comment Summary:

This comment states that they do not want additional lanes. The commenter asks what the developer is required to implement to reduce traffic impacts.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. The project does not propose the construction of new lanes on any local roadways. No further response is required.

14-F

Comment Summary:

This comment asks what impacts would occur to La Costa Avenue and Highway 101 intersection.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. For more information on the LOS analysis, refer to Appendix L-2 of the EIR.

Fifty two homes along La Costa Avenue can use only La Costa Avenue to access the I-5 Freeway or Highway 101. We are managing pretty well at this time since La Costa is only a two-lane road. We do not want a four lane. What accommodation is the developer required to make to La Costa for the traffic proposed for his development?

14-E

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14-F

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14-G

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14-H

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14-I

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Sincerely,

Dolores Welty

2076 Sheridan Road,

Leucadia 92024

760-942-9897

14-K

14-G

Comment Summary:

The commenter asks whether the developer will provide funding for a protected sidewalk and bike lane along La Costa Avenue and Highway 101.

Response:

Refer to **Master Response 2, Safety**, regarding crosswalks and pedestrian safety. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor while also improving safety for such modes of travel. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As part of the proposed project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site

0.0 Preface

Fifty two homes along La Costa Avenue can use only La Costa Avenue to access the I-5 Freeway or Highway 101. We are managing pretty well at this time since La Costa is only a two-lane road. We do not want a four lane. What accommodation is the developer required to make to La Costa for the traffic proposed for his development?

14-E

What are the impacts to the La Costa/101 intersection?

14-F

Will the developer help provide funding for a protected sidewalk and bike lane along La Costa and along 101? These enhance a tourist experience and help diminish traffic concerns.

14-G

Development in this area is being piece-mealed. Each project is being dealt with as if it were the only one proposed. Who is responsible for evaluating the proposed impacts to this area of Leucadia by all the potential projects as a bunch, including the new proposals from Carlsbad?

14-H

What is the mechanism the City of Encinitas provides for evaluating cumulative development?

14-I

Allowing density bonus development may be mandated by the state, but I wish to take this opportunity to express once again my dislike of such miniscule attempts to provide decent housing for the low wage worker. Housing costs rise for many reasons and if we are going to continue paying low wages, then we will have to subsidize housing for those workers through more mechanisms than density bonus as well as through efficient public transportation to the coast from more affordable housing cost areas inland. A minimum wage of \$7.50 is a joke and raising it to \$15.00 is an insult. If the minimum wage had been raised since 1970 to keep up with inflation, it would now be \$27.00 an hour, according to economists. Of course this still would not allow a low wage earner to purchase a "West of I-5" home since housing prices here have raced far beyond inflationary costs.

14-J

Thank you for your attention to my concerns. I appreciate your diligence and your work very much.

Sincerely,

Dolores Welty

2076 Sheridan Road,

Leucadia 92024

760-942-9897

14-K

and the new (off-site) hotel located immediately adjacent to the north. Such improvements would help to better balance mobility between motorists, pedestrians, and bicyclists within the corridor.

14-H

Comment Summary:

This comment states that development in the area is being “piece-mealed.” The commenter asks if cumulative impacts are being considered for Leucadia and Carlsbad.

Response:

As stated in Section 3.0 of the EIR, 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 the EIR focused 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.

The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR have been determined to be reasonably foreseeable. The list was developed in consultation with the City’s Planning Department. The projects are considered in the cumulative impact analysis in Section 3.0 of the EIR as appropriate and relevant to each environmental issue area. Refer to Figure 3.0-1, Cumulative Projects Map, of the EIR for the location of each project relative to the project site.

Fifty two homes along La Costa Avenue can use only La Costa Avenue to access the I-5 Freeway or Highway 101. We are managing pretty well at this time since La Costa is only a two-lane road. We do not want a four lane. What accommodation is the developer required to make to La Costa for the traffic proposed for his development?

14-E

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14-F

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14-K

The commenter does not provide evidence or specific details to support the claim that development in the area is being 'piece-mealed.' Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

14-I

Comment Summary:

The commenter asks how the City evaluates cumulative impacts.

Response:

See Response to Comment 14-H, above. As noted in Section 3.0 of the EIR, 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 each section of the EIR 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. The list of potentially relevant projects, a detailed methodology, and relevant planning documents are considered in each cumulative impact discussion in the EIR.

14-J

Comment Summary:

This comment discusses the ineffectiveness of the density bonus because the minimum wage has not raised in accordance with inflation.

Response:

The City acknowledges the comments provided for the record. CEQA requires an analysis of physical environmental impacts; it does not require analysis of social and economic impacts. Under CEQA, "[a]n economic or social change by itself shall not be considered a significant effect on the environment" (CEQA Guidelines, Sections 15131 and

0.0 Preface

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14-K

15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). The City does not have plans to raise the minimum wage, nor does this comment raise any environmental concerns or address the adequacy of the EIR. No further response is required.

14-K

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

15 EMMY CROSKERY

-----Original Message-----

From: emmy price <thepriceisemmy@gmail.com>
Sent: Tuesday, October 26, 2021 11:44 AM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Subject: Marea Village Project

[NOTICE: Caution: External Email]

Hi Scott,

We can't handle anymore developments. When will it stop? Newcadia is eroding. I understand everything beautiful will change. Our small town infrastructure can't handle it.

15-A

15-B

15-C

15-D

What about the environmental hazards? Our small school is over capacity as is. We all love how special this place is. However, our elected officials should do something to sustain what little is left.

But time and time again, they approve projects over the people.

15-E

Emmy Croskery

Sent from my iPhone

1

15-A

Comment Summary:

This comment states that the City cannot take more development.

Response:

The City acknowledges the comment provided for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

15-B

Comment Summary:

This comment states that City's infrastructure cannot handle the increased development.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. For more information on the LOS analysis, refer to Appendix L-2 of the EIR.

The majority of the project site (Parcels 1 and 2) was identified in the HEU (e.g., anticipated growth) and therefore, in combination with other existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects.

0.0 Preface

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15-A

15-B

15-C

15-D

15-E

The portion of the project site not included in the HEU has been included in the analysis in the EIR to ensure the proposed development does not result in an adverse effect on the adequate provision of utilities and services. As stated in EIR Section 3.14, Utilities and Service Systems, potential project impacts associated with utilities and service systems would be less than significant.

The commenter does not provide substantial evidence to support the claim that the project would overburden the City's infrastructure. As such, further response is not required.

15-C

Comment Summary:

The commenter inquires about the environmental impacts from the proposed project.

Response:

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

Based on the analysis in this EIR, transportation impacts related to vehicle miles traveled (VMT) cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable; refer to Section 3.12, Transportation, for additional details. No further response is required.

15-D

Comment Summary:

This comment states that the City's school system does not have the capacity to accommodate the new developments in the area.

-----Original Message-----

From: emmy price <thepriceisemmy@gmail.com>

Sent: Tuesday, October 26, 2021 11:44 AM

To: Scott Vurbef <SVurbef@encinitasca.gov>

Subject: Marea Village Project

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Sent from my iPhone

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15-A

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15-D

15-E

Response:

Table 3.11-3, School Capacity, of the EIR provides the student capacity for each school relevant to the proposed project. Encinitas Union School District (EUSD) (Paul Ecke Central Elementary School) has a future enrollment capacity of 48 students while San Dieguito Union High School District (SDUHSD) (Diegueño Middle School and La Costa Canyon High School) has a future enrollment capacity of 1,605 students. Given the project's estimated student generation of 55 students, as shown in EIR Table 3.11-2, Estimated Student Generation, the EUSD and SDUHSD have sufficient capacity to accommodate the estimated students from the proposed project.

All residential development is required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. Although the EUSD is currently analyzing future facility expansion options in its Facilities Master Plan, 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 expanding existing school sites or constructing 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.

0.0 Preface

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15-A

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15-C

15-D

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15-E

Emmy Croskery

Sent from my iPhone

1

15-E

Comment Summary:

This comment states that the City approves projects that the residents do not approve of.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

16 FRANCES AND TIM WALTERS

From: Frances Walters <franceswalters55@gmail.com>
Sent: Sunday, November 7, 2021 7:37 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: Proposed Marea Village

[NOTICE: Caution: External Email]

Once again I'm writing to you this time about an area closer, (very close!), to where I live. Every other day I go for a run right past the new hotel (Allia Marea) and have to deal with traffic to get across PCH from La Costa. Heading West isn't too bad but I still have to be careful with the left turn lane behind me, that cars actually are stopped. Heading east home is very dangerous. I have the right of way (pushing the crossing button and waiting) and by the time I reach the other end of the crosswalk I have to stop and VERY CAREFULLY look for cars who DO NOT STOP for the red light they have. If I'm lucky they stop halfway into the crosswalk before they see a pedestrian. Very early this year there were 'suits' with a traffic control and I stopped to speak with them and tell them what I told you. They agreed and said they would "fix it" - whatever that meant. Still no sign "No Turn on Red" or similar as at Leucadia Blvd/PCH. I wrote about this traffic issue before the chain link fence went up and how that project was approved with a terrible traffic study conducted in February 2020 as we were about to be locked down? Of course at that time of year beach traffic is at its least. And now the apartments at the corner of La Costa/Vulcan are claiming the same thing. La Costa Ave is already as bad as Los Angeles I-405. I know because I grew up there and still commute there at times. It is regularly backed up to the freeway! That then causes cars to speed up and down Sheridan/Andrew trying to avoid that backup. It's also caused Vulcan to back up to Andrew. An increase in traffic with all this new proposed development will only make this worse! When the hotel was being constructed in the early stages every other day I was out and heard and saw all the POUNDING of the ground for weeks. When the bluff collapse happened I knew exactly how that happened. A subterranean parking structure for this new proposal? More POUNDING on the fragile bluff/cliffs? And wow do we REALLY need all these additional hotel rooms? That new hotel is barely full on weekends (I know because I run up their driveway).

We have lived here for 15+ years and our quality of life is seriously being threatened. I understand vacant land can't sit forever but we need RESPONSIBLE development. NW Leucadia is under attack from all this development. How can all the increased traffic from MANY new apartments (affordable or not!) be acceptable? We are not the wild west and WE ARE PAYING ATTENTION!! Our city council is of no help so we are depending on you Scott, the Development Services, to HEAR US! We cannot let these developers/builders slam up cheap housing to make every \$ they can and leave us with the consequences. They are trying to fit round pegs in square holes -- lots of round pegs in even smaller square holes and without adequate parking.
We agree with every single point of this cut and paste:

-Overdevelopment in Leucadia- 130 room Marea Beach Resort Hotel completed, 1967 Vulcan Avenue approved, Marea Village EIR submitted, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned about 2 miles north of La Costa Avenue on PCH @ Encinas.

-Public Safety - lack of sufficient crosswalks to get across PCH from surrounding neighborhoods. Unsafe vehicular ingress/egress from 255 unit SeaBluffe development. Incomplete bike lanes on 101 and La Costa Avenue. Cumulative development will add approximately 10,000 additional daily trips resulting in more traffic accidents.

-Inadequate infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon

-Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment development conflicts with City's Climate Action Plan and CEQA

-Culture of Leucadia eroding

-Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs.

I know you listen Scott (I spoke with you about El Camino Real) and THANK YOU.

Frances and Tim Walters
1863 Wilstone Ave.
Leucadia

16-A

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16-A

Comment Summary:

The commenter states that there is traffic to get across the Pacific Coast Highway to La Costa Avenue and that cars may not stop at the intersection.

Response:

Refer to **Master Response 2, Safety**. The City acknowledges the comments provided. The commenter notes that there is traffic along Highway 101 and La Costa Avenue, which is anticipated given that they are key roadways providing access to Encinitas and to the Pacific coastline. The commenter does not raise an issue relative to CEQA, nor question the adequacy of the EIR. Refer to subsequent responses below for additional discussion.

16-B

Comment Summary:

The commenter states that traffic heading east on La Costa Avenue at Pacific Coast Highway is dangerous and that cars do not stop for the red light.

Response:

Refer to **Master Response 2, Safety**.

16-C

Comment Summary:

The commenter states that he has previously identified safety concerns at the intersection of La Costa and Highway 101. The commenter states that there should be a "No Turn on Red" at the intersection.

0.0 Preface

From: Frances Walters <franceswalters55@gmail.com>
Sent: Sunday, November 7, 2021 7:37 PM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Subject: Proposed Marea Village

[NOTICE: Caution: External Email]

Once again I'm writing to you this time about an area closer, (very close), to where I live. Every other day I go for a run right past the new hotel (Alila Marea) and have to deal with traffic to get across PCH from La Costa. Heading West isn't too bad but I still have to be careful with the left turn lane behind me, that cars actually are stopped. Heading east home is very dangerous. I have the right of way (pushing the crossing button and waiting) and by the time I reach the other end of the crosswalk I have to stop and VERY CAREFULLY look for cars who DO NOT STOP for the red light they have. If I'm lucky they stop halfway into the crosswalk before they see a pedestrian. Very early this year there were 'suits' with a traffic control and I stopped to speak with them and tell them what I told you. They agreed and said they would "fix it" - whatever that meant. Still no sign "No Turn on Red" or similar as at Leucadia Blvd/PCH. I wrote about this traffic issue before the chain link fence went up and how that project was approved with a terrible traffic study conducted in February 2020 as we were about to be locked down? Of course at that time of year beach traffic is at its least. And now the apartments at the corner of La Costa/Vulcan are claiming the same thing. La Costa Ave is already as bad as Los Angeles I-405. I know because I grew up there and still commute there at times. It is regularly backed up to the freeway! That then causes cars to speed up and down Sheridan/Andrew trying to avoid that backup. It's also caused Vulcan to back up to Andrew. An increase in traffic with all this new proposed development will only make this worse! When the hotel was being constructed in the early stages every other day I was out and heard and saw all the POUNDING of the ground for weeks. When the bluff collapse happened I knew exactly how that happened. A subterranean parking structure for this new proposal? More POUNDING on the fragile bluff/cliffs? And wow do we REALLY need all these additional hotel rooms? That new hotel is barely full on weekends (I know because I run up their driveway).

We have lived here for 15+ years and our quality of life is seriously being threatened. I understand vacant land can't sit forever but we need RESPONSIBLE development. NW Leucadia is under attack from all this development. How can all the increased traffic from MANY new apartments (affordable or not!) be acceptable? We are not the wild west and WE ARE PAYING ATTENTION!! Our city council is of no help so we are depending on you Scott, the Development Services, to HEAR US! We cannot let these developers/builders slam up cheap housing to make every \$ they can and leave us with the consequences. They are trying to fit round pegs in square holes -- lots of round pegs in even smaller square holes and without adequate parking.

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- Culture of Leucadia eroding
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Response:

Refer to **Master Response 2, Safety.**

16-D

Comment Summary:

The commenter makes reference to a project that was previously approved and questions the methodology used in the traffic study (i.e., with considerations for COVID-19 lockdown and when beach traffic was at a low) for that project. The commenter claims that a similar development project (apartments) at Vulcan Avenue and La Costa Avenue also used a similar approach to evaluate traffic effects.

Response:

The City acknowledges the comments provided. Such comments do not raise and environmental concern related to CEQA nor question the adequacy of the EIR for the proposed project. No further response is required.

16-D

Comment Summary:

The commenter states that the traffic on Pacific Coast Highway experiences traffic conditions similar to Los Angeles.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

16-E

Comment Summary:

This comment states that the proposed project would cause traffic to back up on Vulcan Avenue.

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Frances and Tim Walters
1863 Willstone Ave.
Leucadia

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

16-F

Comment Summary:

The commenter claims that construction of the hotel destabilized the bluffs and caused the recent bluff collapse. The commenter claims that construction of the proposed project would destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

16-G

Comment Summary:

The commenter expresses opposition to the proposed project and states that the proposed project would increase traffic problems in the area.

0.0 Preface

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Sent: Sunday, November 7, 2021 7:37 PM
To: Scott Vurbbeff <SVurbbeff@encinitasca.gov>
Subject: Proposed Marea Village

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Response:

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16-H

Comment Summary:

The commenter states that they agree with the list of comments that concludes the letter.

Response:

See Responses to Comments 16-I to 16-O, below. No further response is required.

16-I

Comment Summary:

This comment lists the recent projects in the area and claims that the area is overdeveloped.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

From: Frances Walters <franceswalters55@gmail.com>
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To: Scott Vurbuff <SVurbuff@encinitasca.gov>
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A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

16-J

Comment Summary:

This comment states that Pacific Coast Highway lacks sufficient crosswalks to the surrounding areas. The comment states that there is unsafe vehicular ingress/egress from the Seabluffe development and that the bike lanes are incomplete along Highway 101 and La Costa Avenue. The commenter states that cumulative development would add approximately 10,000 additional daily trips resulting in more traffic accidents.

Response:

Refer to **Master Response 2, Safety**, regarding crosswalks and pedestrian safety and ingress/egress from the Seabluffe community; however, such comments do not address an issue in the EIR relative to CEQA, nor do they question the adequacy of the EIR. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor while also improving safety for such modes of travel.

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As part of the proposed project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation.

Refer also to **Master Response 1, Traffic Level of Service (LOS)**, for discussion on the project's traffic conditions. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required. As noted above, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

16-K

Comment Summary:

This comment states that there is inadequate drainage on Pacific Coast Highway which can lead to pollution runoff into Pacific Ocean and Batiqitos Lagoon.

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Response:

As discussed in EIR Section 3.8, Hydrology and Water Quality, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1 of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also

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Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

16-L

Comment Summary:

This comment states that overdevelopment development would exacerbate carbon emissions and runoff in the area, which would conflict with City's CAP and CEQA.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. Refer also to Response to Comment 8-C, above, pertaining to runoff from the site. As stated in Response to Comment 8-A, a cumulative analysis for each environmental issue area is provided in Section 3.0 of the EIR to address the project's potential to contribute to cumulative effects of ongoing development occurring in the area. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

16-M

Comment Summary:

This comment states that the culture of Leucadia is eroding.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

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Subject: Proposed Marea Village

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We have lived here for 15+ years and our quality of life is seriously being threatened. I understand vacant land can't sit forever but we need RESPONSIBLE development. NW Leucadia is under attack from all this development. How can all the increased traffic from MANY new apartments (affordable or not!) be acceptable? We are not the wild west and WE ARE PAYING ATTENTION!! Our city council is of no help so we are depending on you Scott, the Development Services, to HEAR US! We cannot let these developers/builders slam up cheap housing to make every \$ they can and leave us with the consequences. They are trying to fit round pegs in square holes -- lots of round pegs in even smaller square holes and without adequate parking.

We agree with every single point of this cut and paste:

- Overdevelopment in Leucadia- 130 room Marea Beach Resort Hotel completed, 1967 Vulcan Avenue approved, Marea Village EIR submitted, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned about 2 miles north of La Costa Avenue on PCH @ Encinas.
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- Culture of Leucadia eroding
- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs.

I know you listen Scott (I spoke with you about El Camino Real) and THANK YOU.
Frances and Tim Walters
1863 Willstone Ave.
Leucadia

16-N

Comment Summary:

This comment states that there has been a recent bluff collapse that resulted in death in the City. The commenter states that the development of the proposed project would destabilize the bluffs and divert natural underground waterflow.

Response:

Refer to Master Response 3, Bluff Stability. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

16-O

Comment Summary:

This comment states that the governor has declared a drought emergency in the state and that the proposed project would exacerbate drought conditions.

Response:

Section 3.14, Utilities and Service Systems, of the EIR provides an analysis of water supplies available to serve the project as proposed. Historical water consumption data for the project site was provided in the Preliminary Water Supply Summary prepared by the SDWD; the SDWD also provided a Project Facility Availability Form (Water), indicating that it can adequately provide water service to the project as proposed for the next five years.

According to SDWD's UWMP, single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. The SDWD anticipates no reduction of local water supplies for a single- or multiple-dry year event. Even during a dry year, it is assumed there

0.0 Preface

From: Frances Walters <franceswalters55@gmail.com>
Sent: Sunday, November 7, 2021 7:37 PM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Subject: Proposed Marea Village

[NOTICE: Caution: External Email]

Once again I'm writing to you this time about an area closer, (very close), to where I live. Every other day I go for a run right past the new hotel (Alila Marea) and have to deal with traffic to get across PCH from La Costa. Heading West isn't too bad but I still have to be careful with the left turn lane behind me, that cars actually are stopped. Heading east home is very dangerous. I have the right of way (pushing the crossing button and waiting) and by the time I reach the other end of the crosswalk I have to stop and VERY CAREFULLY look for cars who DO NOT STOP for the red light they have. If I'm lucky they stop halfway into the crosswalk before they see a pedestrian. Very early this year there were 'suits' with a traffic control and I stopped to speak with them and tell them what I told you. They agreed and said they would "fix it" - whatever that meant. Still no sign "No Turn on Red" or similar as at Leucadia Blvd/PCH. I wrote about this traffic issue before the chain link fence went up and how that project was approved with a terrible traffic study conducted in February 2020 as we were about to be locked down? Of course at that time of year beach traffic is at its least. And now the apartments at the corner of La Costa/Vulcan are claiming the same thing. La Costa Ave is already as bad as Los Angeles I-405. I know because I grew up there and still commute there at times. It is regularly backed up to the freeway! That then causes cars to speed up and down Sheridan/Andrew trying to avoid that backup. It's also caused Vulcan to back up to Andrew. An increase in traffic with all this new proposed development will only make this worse! When the hotel was being constructed in the early stages every other day I was out and heard and saw all the POUNDING of the ground for weeks. When the bluff collapse happened I knew exactly how that happened. A subterranean parking structure for this new proposal? More POUNDING on the fragile bluff/cliffs? And wow do we REALLY need all these additional hotel rooms? That new hotel is barely full on weekends (I know because I run up their driveway).

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1863 Willstone Ave.
Leucadia

16-A
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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 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. As shown in Table 3.14-3 of the EIR, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

As indicated in Section 3.14 of the EIR, the project would increase existing water demands on-site from an estimated 2,266 gpd to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's UWMP, the overall system of the SDWD is adequately sized to accommodate planned buildout under the City's adopted General Plan. The SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed is consistent with future development as anticipated by the SDWD and by the City and for the subject site.

The analysis provided in the EIR is therefore considered to be adequate and appropriate in evaluating available water supplies to serve the project. As such, implementation of the proposed project would not exacerbate drought conditions. No change to the EIR is required or proposed.

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I know you listen Scott (I spoke with you about El Camino Real) and THANK YOU.
 Frances and Tim Walters
 1863 Willstone Ave.
 Leucadia

16-P

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

17 GERRY RAHILL

From: gerry rahill <grahilljr@gmail.com>
Sent: Thursday, November 4, 2021 1:12 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: encinita...@gmail.com <encinitasbikewalk@gmail.com>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Hi Scott-

I'd like to voice my opinion that this proposed development looks like it will have large negative impacts on all forms of transportation in the area: motor vehicles, bicycles and pedestrians. I'd like to see this addressed in the design of the project, to keep all of them moving safely, including the traffic turning on and off Hwy.101 from the new apartments, hotel and businesses. Safe and efficient traffic flow through the 101/La Costa Ave. intersection needs to also be discussed in light of the large increase in traffic that will result.

Gerry Rahill
Leucadia

17-A

17-B

17-C

17-D

17-A

Comment Summary:

This comment states the project would have negative impacts on transportation, specifically to motor vehicles, bicycles, and pedestrians.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)** and **Master Response 2, Safety**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

The project has been designed with consideration for the City's North Coast Highway 101 Streetscape Improvement Project, currently under construction. The Streetscape Improvement Project is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include, but are not limited to, reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks, bike lanes); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements,

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Gerry Rahill
Leucadia

17-A
17-B
17-C
17-D

to better balance mobility between motorists, pedestrians, and bicyclists.

As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection (“pedestrian bridge”) would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

0.0 Preface

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Gerry Rahill
Leucadia

17-A

17-B

17-C

17-D

17-B

Comment Summary:

This comment states that the project should be designed to address safety and traffic concerns.

Response:

The comments provided are general and do not identify a specific issue related to safety or traffic problems, nor raise a concern as to the adequacy of the EIR analysis. Refer also to **Master Response 1, Traffic Level of Service (LOS)**, and **Master Response 2, Safety**, for more information. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

17-C

Comment Summary:

This comment states that implementation of the proposed project would result in an increase in traffic on Highway 101 and La Costa Avenue intersection.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS

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Gerry Rahill
Leucadia

17-A

17-B

17-C

17-D

analysis, refer to Appendix L-2 of the EIR. No further response is required.

17-D

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

18 GIL AND ESTHER PEREZ

From: minita30 <minita30@cox.net>
Sent: Tuesday, November 2, 2021 6:04 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Cc: Esther Perez <minita30@cox.net>
Subject: Proposed new development next to SeaBluff

[NOTICE: Caution: External Email]

Dear Mr. Vurbef,

We are very concerned about the proposed new development called Marea Village where they are seeking approval to build 94 apartments, 30 hotel rooms and retail space. It's hard to believe that all of this can be built in this small of an area.

Our biggest concern with this project is the destabilization of the bluffs on which our homes are built. As you know, the bluffs are fragile, and could be destabilized due to the construction grading and pounding that would take place. Especially since the bluffs are already eroding and there was a recent bluff collapse in the area where this is being considered.

We are also worried about the increased traffic on 101, especially between La Costa Avenue and the SeaBluff entrance. As it is now, it is already very dangerous and difficult to exit out of SeaBluff onto 101 northbound due to current traffic and gas station customers...we can't imagine what it would be like with the new development traffic.

Lastly, the environmental impact of approving this project seems to be in conflict with the city's climate action plans, etc.

We, as citizens of Encinitas and SeaBluff for over 45 years, encourage you to NOT approve this project.

Thank you,
Gil & Esther Perez
SeaBluff Owners/Residents
1843 Haymarket Road
Encinitas, CA 92024
Sent from my Galaxy Tab A

18-A

18-B

18-C

18-D

18-E

18-A

Comment Summary:

The commenter states that they are concerned with the size of the project.

Response:

As described in EIR Section 2.0, Project Description, Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre. The proposed 94 residential units therefore meet the allotted minimum unit count as identified in the HEU and allowed by the existing zoning.

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.

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18-A

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18-B

We are also worried about the increased traffic on 101, especially between La Costa Avenue and the SeaBluff entrance. As it is now, it is already very dangerous and difficult to exit out of SeaBluff onto 101 northbound due to current traffic and gas station customers...we can't imagine what it would be like with the new development traffic.

18-C

Lastly, the environmental impact of approving this project seems to be in conflict with the city's climate action plans, etc.

18-D

We, as citizens of Encinitas and SeaBluffe for over 45 years, encourage you to NOT approve this project.

Thank you,
Gil & Esther Perez
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1843 Haymarket Road
Encinitas, CA 92024
Sent from my Galaxy Tab A

18-E

The project meets the City's Municipal Code requirement of 25 du/acre and is therefore eligible for R30 Overlay zone development standards. The project proposes to provide 20% of the 194 residential units (or 19 units) as "low income"¹ affordable residential units (affordable to households earning no more than 80 percent of the area median income) and qualifies as a Density Bonus Project under SB 330. Refer also to EIR Table 2.0-3, Summary of Proposed Units, for additional project information.

Additionally, the project would contain a mix of uses on-site; include project design features to enhance sustainability; provide for a variety of housing types including low-income affordable housing; and is consistent with City's General Plan, HEU, Local Coastal Program, N101SP, Municipal Code, CAP, Zoning, and SANDAG's The Regional Plan. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

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

18-B

Comment Summary:

The commenter states that their biggest concern is the destabilization of the bluffs due to construction of the project.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

0.0 Preface

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18-B

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18-C

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18-E

18-C

Comment Summary:

The commenter states that they are worried about increased traffic and safety on Highway 101 and La Costa Avenue, especially the ingress/egress to Seabluffe entrance.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS); Master Response 2, Safety;** and **Master Response 4, Vehicle Miles Traveled (VMT).**

18-D

Comment Summary:

This comment states that the project's environmental impacts conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan,** and **Master Response 6, Air Quality.** The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. As evaluated under Impact 3.5-2 of the EIR, the project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, including the City's CAP, and impacts were determined to be less than significant. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

From: minita30 <minita30@cox.net>
Sent: Tuesday, November 2, 2021 6:04 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Esther Perez <minita30@cox.net>
Subject: Proposed new development next to SeaBluff

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff,

We are very concerned about the proposed new development called Marea Village where they are seeking approval to build 94 apartments, 30 hotel rooms and retail space. It's hard to believe that all of this can be built in this small of an area.

18-A

Our biggest concern with this project is the destabilization of the bluffs on which our homes are built. As you know, the bluffs are fragile, and could be destabilized due to the construction grading and pounding that would take place. Especially since the bluffs are already eroding and there was a recent bluff collapse in the area where this is being considered.

18-B

We are also worried about the increased traffic on 101, especially between La Costa Avenue and the SeaBluff entrance. As it is now, it is already very dangerous and difficult to exit out of SeaBluff onto 101 northbound due to current traffic and gas station customers...we can't imagine what it would be like with the new development traffic.

18-C

Lastly, the environmental impact of approving this project seems to be in conflict with the city's climate action plans, etc.

18-D

We, as citizens of Encinitas and SeaBluffe for over 45 years, encourage you to NOT approve this project.

Thank you,
Gil & Esther Perez
SeaBluffe Owners/Residents
1843 Haymarket Road
Encinitas, CA 92024
Sent from my Galaxy Tab A

18-E

18-E

Comment Summary:

The commenter encourages the City to not approve the project.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

19 GLENN AND JULIE SHULMAN

-----Original Message-----

From: Gjs@cox.net <gjs@cox.net>
Sent: Tuesday, November 2, 2021 8:05 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

I live at Seabluffe and as a resident I am extremely concerned about this new development. The traffic situation is already unbearable ... for instance the new stop signs on La Costa and Vulcan that backs up traffic on La Costa all the way to the freeway. [In addition, residents of Seabluffe can barely exit the development to make a left on Highway 101. With this new development, the situation will be highly exacerbated. Also the bike lanes are dangerous in this area.

19-A

19-B

I hope the traffic concerns can be addressed and the development can move forward.

19-C

Thank you .

19-D

Glenn and Julie Shulman

Sent from my iPhone

1

19-A

Comment Summary:

The commenter states that they are concerned with the proposed project. The commenter states that the new stop signs on La Costa Avenue and Vulcan cause traffic on La Costa to back up to the freeway.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Vulcan intersection. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

19-B

Comment Summary:

The comment states that the proposed project would exacerbate traffic and make it more difficult for residents to enter/exit Seabluffe. The commenter also states that the bike lanes are dangerous in this area.

Response:

Refer to **Master Response 2, Safety**, regarding ingress/egress from the Seabluffe community; however, such comments do not address an

-----Original Message-----

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19-A

19-B

I hope the traffic concerns can be addressed and the development can move forward.

19-C

Thank you .

19-D

Glenn and Julie Shulman

Sent from my iPhone

1

issue in the EIR relative to CEQA, nor do they question the adequacy of the EIR. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor. Such improvements are intended to improve safety for such modes of travel and to better balance mobility between motorists, pedestrians, and bicyclists.

Refer also to **Master Response 1, Traffic Level of Service (LOS)**, for discussion on the project's traffic conditions. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact related to LOS. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

19-C

Comment Summary:

The commenter hopes that the proposed project will address traffic concerns.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. As noted above, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

0.0 Preface

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19-A

19-B

I hope the traffic concerns can be addressed and the development can move forward.

19-C

Thank you .

19-D

Glenn and Julie Shulman

Sent from my iPhone

1

19-D

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

20 HUGH BUCHANAN

-----Original Message-----

From: Hugh Buchanan <brh361@yahoo.com>
Sent: Wednesday, October 20, 2021 12:36 PM
To: Scott Vurbett <SVurbett@encinitasca.gov>
Subject: Marea Development

[NOTICE: Caution: External Email]

Sir: please do not let them start on this development until you see what the traffic problems are going to be with the Vulcan project.

With Weston, boutique Hotel, Carlsbad Lagoon project , Vulcan project, Marea project. All coming on in a short time ,slow things down please. I live at 163 Costa Court and am going to have to suffer for five years with all this construction being 1 mile or less from my house. Have mercy! Thank you

Sent from my iPad

20-A
20-B

20-A

Comment Summary:

The commenter requests that the City delay approval of the proposed project until traffic can be observed from the Vulcan project.

Response:

The City acknowledges this comment for the record. This comment does not raise an environmental issue relative to the proposed project nor question the adequacy of the EIR.

20-B

Comment Summary:

This comment states that there are too many projects being approved and constructed in the area in a short amount of time.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

0.0 Preface

-----Original Message-----
From: Hugh Buchanan <brh361@yahoo.com>
Sent: Wednesday, October 20, 2021 12:36 PM
To: Scott Vurbefl <SVurbefl@encinitas.gov>
Subject: Marea Development

[NOTICE: Caution: External Email]

Sir: please do not let them start on this development until you see what the traffic problems are going to be with the Vulcan project.

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Sent from my iPad

] 20-A
] 20-B

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

21 JANET BARMETTLER

Sent: Tuesday, November 2, 2021 2:55 PM
To: svurbeff@encinitasca.ca.gov
Subject: Proposed Marea Village Development

This email is to voice my sincere concern regarding the Proposed Marea Village Development.

Thn is Development is way toooo large for the area, the streets, the neighborhood, the noise and the traffic.

Ever since Marea "has come to town" so to speak, they have been encroaching upon the good neighborhood of Seabluffe. Nothing good has come from this Development. The Hotel on the outside is "just plain ugly" nothing but concrete and brown board that will age and be even more ugly. Constantly, they want something else, liquor licenses, expanded bar hours and now cheap apartments filled with tons of people. Just compare this Development to the beautiful hotels on the Southside of Dana Point and Laguna/Laguna Niguel. Actually, there is no comparison, **Encinitas gets UGLY, instead.**

There is already the most dangerous conditions for Seabluffe persons to get out of their drive to get on to Highway 101 to go to their jobs and necessary errands. Then, Encinitas has added the additional DANGER, of more bike lanes. Do you really think this is safe for an aging population to be driving on a highway in a bike lane? In case you are unaware, by the time a person is 70 their balance is much diminished. We have asked for traffic lights for years, to no avail.

Maybe all **these WOKE ideas of the City of Encinitas**, is to force people to stop working, stop keeping up their property and instead encourage more homeless, and a complete downturn of the area.

Lastly, Seabluffe is being sued for bluff collapse that they had nothing to do with. I have lived at Seabluffe for more than 20 years and I never saw/heard that Seabluffe did anything to the bluffs----they were too "afraid of the Coastal Commission" to do so. However, I have witness **many illegals landing their boat on the sand and climbing up and down the cliffs as Law Enforcement tried to capture them.**

Janet Barmettler
Seabluffe Resident
Sent from [Mail](#) for Windows

21-A

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21-A

Comment Summary:

This comment states that the project is too large and would result in impacts to noise and traffic.

Response:

As described in Section 2.0, Project Description, Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre. The proposed 94 residential units therefore meet the allotted minimum unit count as identified in the HEU and allowed by the existing zoning.

The project has been designed in conformance with applicable General Plan land use and zoning requirements relative to density, square footage, lot coverage, building height (with exception of the incentives proposed), and other such characteristics. Additionally, the project would contain a mix of uses on-site; include project design features to enhance sustainability; provide for a variety of housing types including low-income affordable housing; and is consistent with City's General Plan, HEU, Municipal Code, Local Coastal Program, Zoning, N101SP, CAP, and SANDAG's The Regional Plan.

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

0.0 Preface

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Sent from [Mail](#) for Windows

21-A

21-B

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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 project meets the City's Municipal Code requirement of 25 du/acre and is therefore eligible for R30 Overlay zone development standards. The project proposes to provide 20% of the 194 residential units (or 19 units) as "low income"¹ affordable residential units (affordable to households earning no more than 80 percent of the area median income) and qualifies as a Density Bonus Project under SB 330. Refer also to Table 2.0-3, Summary of Proposed Units, for additional project information.

As discussed in Section 3.10, Noise, of the EIR, the project was analyzed for the potential to result in construction noise and/or operational noise impacts using the City's adopted noise thresholds as provided in the City Zoning Ordinance (Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards), which establishes property line noise level limits.

As stated in the EIR, noise levels in maximum sound levels (L_{max}) identified are the highest individual sound occurring at an individual time period. The L_{max} levels were converted to L_{eq} levels based on the acoustical use factor of each equipment, as L_{eq} levels are more representative of the noise levels averaged over time. Although construction noise may exceed the 75 dBA L_{eq} threshold at any given time, the fraction of use for the types of construction equipment would range from 16 percent to 50 percent over the course of a construction day and in different areas on the property at varying distances from the property boundary; therefore, the rate and duration of individual or cumulative equipment noise in exceedance of the 75 dBA threshold would be variable and intermittent in duration throughout the day.

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Janet Barmettler
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Sent from [Mail](#) for Windows

21-A

21-B

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Therefore, such construction activities would not continuously sustain or exceed the 75 dBA over the course of an 8-hour period. Additionally, the applicant would be required to prepare a Construction Noise Control Plan and comply with City's Noise Ordinance requirements as a condition of project approval. Because the project would be required to demonstrate compliance with the City's Noise Ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8-hour period, the impact of temporary construction noise would be less than significant.

Similarly, methodologies used to determine project operational noise effects specific to off-site mobile noise, mechanical equipment, parking lots, and outdoor areas are consistent with accepted City standards. Operational noise levels were determined to be below established thresholds and no significant impacts were identified.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR. No further response is required.

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

0.0 Preface

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Janet Barmettler
Seabluffe Resident
Sent from [Mail](#) for Windows

21-A

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21-H

21-B

Comment Summary:

The commenter opines that the design and aesthetics of the project is "ugly."

Response:

The comment provided is an opinion and does not raise an issue relative to CEQA. However, although design and aesthetics are subjective, the project has been designed in accordance with the requirements of the applicable Housing Law and objective Design Standards, General Plan, and zoning regulations for the property with exception of the requested increase in maximum height and story limits (for specific buildings proposed as allowed by the density bonus incentives).

The project provides a mixed-use environment, offering a combination of smaller and larger structures on-site, varying in square footage, height, and appearance, to accommodate the various uses proposed. As discussed in Section 3.1, Aesthetics, of the EIR, the mixed-use commercial square footage would be provided in six individual buildings, thereby reducing overall visual bulk and massing, to allow for the creation of public plazas and gathering spaces along the street edge to draw people into the interior of the development. Further, consistent with the N101SP and Encinitas Municipal Code, the project has been designed to reflect an architectural diversity and the unique character along North Coast Highway 101. The buildings would integrate varying colors, materials, and architectural styles and would be respective of the existing setting of the Leucadia community, thus maintaining the visual quality and scenic views along the Highway 101 corridor. Buildings along the street frontage would range in height from one to three stories, contributing to the overall visual character of the streetscape and pedestrian scale along Highway 101; refer to Section

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21-A

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21-B

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21-C

21-D

21-E

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21-F

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21-G

21-H

Janet Barmettler
Seabluffe Resident
Sent from [Mail](#) for Windows

3.1, Aesthetics, of the EIR for additional discussion. The project is considered to be consistent with the objective as identified in Encinitas Municipal Code and N101SP, as applicable.

21-C

Comment Summary:

The commenter states that it is dangerous to exit/enter the Seabluffe community.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS), and Master Response 2, Safety.**

21-D

Comment Summary:

The commenter states that bike lanes are dangerous, especially for the elderly.

Response:

Refer to **Master Response 2, Safety**, regarding pedestrian and bicycle safety. However, such comments do not address an issue in the EIR relative to CEQA, nor do they question the adequacy of the EIR. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor while also improving safety for such modes of travel. The project has been designed with consideration for such improvements to ensure that conflicts do not occur.

The commenter does not provide substantial evidence to support the claim that bike lanes are dangerous. The proposed project would

0.0 Preface

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Sent from [Mail](#) for Windows

21-A

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21-F

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improve overall safety and functionality of the pedestrian and bike network. No further response is required.

21-E

Comment Summary:

This comment requests more traffic lights in the area.

Response:

The City acknowledges the comments provided; however, the commenter provides no technical justification for the request, nor do such comments raise a concern relative to CEQA nor question the adequacy of the EIR. Refer also to **Master Response 1, Traffic Level of Service (LOS)**, and **Master Response 2, Safety**.

21-F

Comment Summary:

The commenter opines that the City is conspiring to cause the complete downturn of the area.

Response:

The comment provided does not raise any environmental concerns nor address the adequacy of the EIR. No further response is warranted.

21-G

Comment Summary:

This comment states that Seabluffe is being sued because of the recent bluff collapse.

Response:

The City acknowledges the comment provided; however, the comment does not raise a specific issue as to the environmental analysis or to the adequacy of the EIR.

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21-A

This Development is way toooooo large for the area, the streets, the neighborhood, the noise and the traffic.

Ever since Marea "has come to town" so to speak, they have been encroaching upon the good neighborhood of Seabluffe. Nothing good has come from this Development. The Hotel on the outside is "just plain ugly" nothing but concrete and brown board that will age and be even more ugly. Constantly, they want something else, liquor licenses, expanded bar hours and now cheap apartments filled with tons of people. Just compare this Development to the beautiful hotels on the Southside of Dana Point and Laguna/Laguna Niguel. Actually, there is no comparison, **Encinitas gets UGLY, instead.**

21-B

There is already the most dangerous conditions for Seabluffe persons to get out of their drive to get on to Highway 101 to go to their jobs and necessary errands. Then, Encinitas has added the additional DANGER, of more bike lanes. Do you really think this is safe for an aging population to be driving on a highway in a bike lane? In case you are unaware, by the time a person is 70 their balance is much diminished. We have asked for traffic lights for years, to no avail.

21-C

21-D

21-E

Maybe all **these WOKE ideas of the City of Encinitas**, is to force people to stop working, stop keeping up their property and instead encourage more homeless, and a complete downturn of the area.

21-F

Lastly, Seabluffe is being sued for bluff collapse that they had nothing to do with. I have lived at Seabluffe for more than 20 years and I never saw/heard that Seabluffe did anything to the bluffs----they were too "afraid of the Coastal Commission" to do so. However, I have witness **many illegals landing their boat on the sand and climbing up and down the cliffs as Law Enforcement tried to capture them.**

21-G

21-H

Janet Barmettler
Seabluffe Resident
Sent from [Mail](#) for Windows

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

21-H

Comment Summary:

This comment states that illegal immigrants caused the bluffs to destabilize.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

22 JANET JENSEN

-----Original Message-----

From: janet jensen <janethula@hotmail.com>
Sent: Wednesday, October 20, 2021 1:26 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Mares village

[NOTICE: Caution: External Email]

Hi, This development Mares Village is way too much for little town of Leucadia!! It is so, so crowded down in that area with 101 going into a single lane which is totally RIDICULOUS to begin with, especially in the summertime, absolute GRIDLOCK!! And all those stop signs on La Costa Avenue, the traffic goes back to Interstate 5 sometimes, and on the 101, trying to make a left on La Costa, the traffic backs up so much that I have to wait and watch the signal turn 4 times, just to turn left, depending on the time of day!! Putting these units in will make it so much more difficult than it already is... [The traffic around that area is AWFUL now already !!If you live in Leucadia, (you probably don't, because you wouldn't even think of doing this, if you did) you know exactly what I'm talking about It's ABSURD!! I truly never complain, but I do need my voice heard, because this is INSANE Thank you, Janet Jensen

Sent from my iPhone

22-A

22-B

22-C

22-A

Comment Summary:

This comment states that the project is too big for the area and that it will increase traffic on Highway 101.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR.

As described in EIR Section 2.0, Project Description, Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre. The proposed 94 residential units therefore meet the allotted minimum unit count as identified in the HEU and allowed by the existing zoning.

-----Original Message-----

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Sent: Wednesday, October 20, 2021 1:26 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Mares village

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Sent from my iPhone

22-A

22-B

22-C

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 project meets the City’s Municipal Code requirement of 25 du/acre and is therefore eligible for R30 Overlay zone development standards. The project proposes to provide 20% of the 194 residential units (or 19 units) as “low income”¹ affordable residential units (affordable to households earning no more than 80 percent of the area median income) and qualifies as a Density Bonus Project under SB 330. Refer also to Table 2.0-3, Summary of Proposed Units, for additional project information.

Contrary to the commenter’s assertion, the project is located on an infill site surrounded by development and services with the capacity to serve the project as currently sized. The project would contain a mix of uses on-site; include project design features to enhance sustainability; provide for a variety of housing types including low-income affordable housing; and is consistent with City’s General Plan, HEU, Municipal Code, Local Coastal Program, N101SP, CAP, and SANDAG’s The Regional Plan. The commenter does not provide substantial evidence to support the claim that the project as proposed is too large for the site. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

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

0.0 Preface

-----Original Message-----

From: janet jensen <janethula@hotmail.com>
Sent: Wednesday, October 20, 2021 1:26 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Mares village

[NOTICE: Caution: External Email]

Hi, This development Mares Village is way too much for little town of Leucadia!! It is so, so crowded down in that area with 101 going into a single lane which is totally RIDICULOUS to begin with, especially in the summertime, absolute GRIDLOCK!! And all those stop signs on La Costa Avenue, the traffic goes back to Interstate 5 sometimes, and on the 101, trying to make a left on La Costa, the traffic backs up so much that I have to wait and watch the signal turn 4 times, just to turn left, depending on the time of day!! Putting these units in will make it so much more difficult than it already is... The traffic around that area is AWFUL now already !!If you live in Leucadia, (you probably don't, because you wouldn't even think of doing this, if you did) you know exactly what I'm talking about It's ABSURD!! I truly never complain, but I do need my voice heard, because this is INSANE Thank you, Janet Jensen

Sent from my iPhone

22-A

22-B

22-C

22-B

Comment Summary:

The comment describes traffic conditions on La Costa Avenue and Highway 101. The commenter states that the project would exacerbate traffic conditions.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to EIR Appendix L-2. No further response is required.

22-C

Comment Summary:

The commenter states that traffic in the area is awful, and as such, the City should deny the project.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. The City acknowledges the commenter's request for the City to deny the project as proposed. No further response to the comments provided is warranted.

23 JESSICA STEMMLER

From: JESSICA STEMMLER <kjstemmler@comcast.net>
Sent: Monday, November 8, 2021 3:58 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed New Development near Seabluffe

[NOTICE: Caution: External Email]

Dear Scott,

I write to voice my opposition to the development of Marea Village. My family owns 1860 Haymarket Road in Leucadia Seabluffe, and we are extremely concerned about the over-development of Leucadia/Encinitas.

Our concerns are as follows:

* As you know, our development is currently involved in a lawsuit surrounding the collapse of the bluff. Additional development will certainly destabilize the bluffs even more, creating a safety issue for all beach goers.

* It is pretty obvious how much additional traffic and resulting accidents have been added to Highway 101 just since the new hotel opened. The additional vehicular and bike traffic created by Marea Village would have an enormous negative impact.

* The current infrastructure of our town is not adequate to sustain such an increase in population and vehicles.

We purchased our home 15 years ago because we love the laid back beach-y feel of Leucadia and Encinitas. While we appreciate beautification and other coastal improvements, this over-development is taking away the charm of the community.

Thank you,
Jessica Stemmler
925-785-2517

23-A

23-B

23-C

23-D

23-E

23-A

Comment Summary:

The commenter voices opposition to the proposed project and states that they are concerned with overdevelopment in the area.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

23-B

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

0.0 Preface

From: JESSICA STEMMLER <kjstemmler@comcast.net>
Sent: Monday, November 8, 2021 3:58 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed New Development near Seabluffe

[NOTICE: Caution: External Email]

Dear Scott,

I write to voice my opposition to the development of Marea Village. My family owns 1860 Haymarket Road in Leucadia Seabluffe, and we are extremely concerned about the over-development of Leucadia/Encinitas.

Our concerns are as follows:

* As you know, our development is currently involved in a lawsuit surrounding the collapse of the bluff. Additional development will certainly destabilize the bluffs even more, creating a safety issue for all beach goers.

* It is pretty obvious how much additional traffic and resulting accidents have been added to Highway 101 just since the new hotel opened. The additional vehicular and bike traffic created by Marea Village would have an enormous negative impact.

* The current infrastructure of our town is not adequate to sustain such an increase in population and vehicles.

We purchased our home 15 years ago because we love the laid back beach-y feel of Leucadia and Encinitas. While we appreciate beautification and other coastal improvements, this over-development is taking away the charm of the community.

Thank you,
Jessica Stemmler
925-785-2517

23-A

23-B

23-C

23-D

23-E

Response:

Refer to **Master Response 3, Bluff Stability**. It not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

23-C

Comment Summary:

The comment states that the Marea Hotel has increased traffic and accidents in the area. The commenter states that the proposed project would exacerbate these issues.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**, and **Master Response 2, Safety**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

23-D

Comment Summary:

This comment states that the City's infrastructure does not have the capacity to accommodate the increase in vehicles and population that would result with the project.

From: JESSICA STEMMLER <kjstemmler@comcast.net>
Sent: Monday, November 8, 2021 3:58 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed New Development near Seabluffe

[NOTICE: Caution: External Email]

Dear Scott,

I write to voice my opposition to the development of Marea Village. My family owns 1860 Haymarket Road in Leucadia Seabluffe, and we are extremely concerned about the over-development of Leucadia/Encinitas.

23-A

Our concerns are as follows:

* As you know, our development is currently involved in a lawsuit surrounding the collapse of the bluff. Additional development will certainly destabilize the bluffs even more, creating a safety issue for all beach goers.

23-B

* It is pretty obvious how much additional traffic and resulting accidents have been added to Highway 101 just since the new hotel opened. The additional vehicular and bike traffic created by Marea Village would have an enormous negative impact.

23-C

* The current infrastructure of our town is not adequate to sustain such an increase in population and vehicles.

23-D

We purchased our home 15 years ago because we love the laid back beach-y feel of Leucadia and Encinitas. While we appreciate beautification and other coastal improvements, this over-development is taking away the charm of the community.

23-E

Thank you,
Jessica Stemmler
925-785-2517

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

As stated in EIR Section 3.12, Transportation, the project is expected to generate a net increase of 1,173 ADT (over existing conditions) with 85 trips during the AM peak hour (i.e., morning "rush hour") and 124 trips during the PM peak hour (i.e. "evening rush hour"). As such, the project would not substantially increase existing traffic flows on Highway 101. Refer also to EIR Appendix L-2 for additional discussion on traffic generation and distribution of project-related traffic along local roadways.

The majority of the project site (Parcels 1 and 2) was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. The portion of the project site not included in the HEU has also been included in the analysis in the EIR to ensure the proposed development does not result in an adverse effect on the adequate provision of utilities and services.

0.0 Preface

From: JESSICA STEMMLER <kjstemmler@comcast.net>
Sent: Monday, November 8, 2021 3:58 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed New Development near Seabluffe

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Dear Scott,

I write to voice my opposition to the development of Marea Village. My family owns 1860 Haymarket Road in Leucadia Seabluffe, and we are extremely concerned about the over-development of Leucadia/Encinitas.

Our concerns are as follows:

* As you know, our development is currently involved in a lawsuit surrounding the collapse of the bluff. Additional development will certainly destabilize the bluffs even more, creating a safety issue for all beach goers.

* It is pretty obvious how much additional traffic and resulting accidents have been added to Highway 101 just since the new hotel opened. The additional vehicular and bike traffic created by Marea Village would have an enormous negative impact.

* The current infrastructure of our town is not adequate to sustain such an increase in population and vehicles.

We purchased our home 15 years ago because we love the laid back beach-y feel of Leucadia and Encinitas. While we appreciate beautification and other coastal improvements, this over-development is taking away the charm of the community.

Thank you,
Jessica Stemmler
925-785-2517

23-A

23-B

23-C

23-D

23-E

As stated in EIR Section 3.14, Utilities and Service Systems, potential project impacts associated with utilities and service systems would be less than significant.

The project as proposed is allowed under the existing General Plan land use and zoning designations that apply to the subject site. No change to such designations is required or proposed with the project. As such, the project is consistent with the City's intended future development of the property.

The commenter does not provide substantial evidence to support the claim that the project would overburden the City's infrastructure. As such, further response is not required.

23-E

Comment Summary:

The commenter does not want additional development in Leucadia.

Response:

The City acknowledges the comment provided for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

24 JOHN D AND FAMILY

From: leucadijohn dslextre.com <leucadijohn@dslextre.com>
Sent: Monday, November 8, 2021 12:42 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea Village Draft EIR Comments

[NOTICE: Caution: External Email]

Mr. Scott Vurbeff,

We, as unpaid Leucadia stake holders in Marea Village, protest yet another out-of-character and significantly impactful project. The Marea Village EIR concludes the project will have "significant and unavoidable" transportation impacts.

Existing Leucadia residents are already experiencing the "significant and unavoidable" impacts of the Streetscape lane-diet project, which has caused overflow (from eliminating two lanes of traffic) into our surrounding residential streets during rush hours.

Likewise, the Marea Beach Resort is already causing "significant and unavoidable" transportation impacts to the La Costa/Coast Hwy/Vulcan intersections - especially during rush hour and the ever-lengthening tourist season in Encinitas.

Vintage Leucadia resident input has been pretty much ignored regarding the "significant and unavoidable" 3 story 72-unit 1967 Vulcan apartments and other planned developments near La Costa Ave/Hwy 5. Given that the Encinitas Planning Commission and City Council appear to be ok with approving "significant and unavoidable" transportation impact projects, how about at least considering two possible mitigation steps:

- 1) Re-imagine the Streetscape project (now with its extra \$20M loan) to re-embrace four-lane traffic flow through old Leucadia, while still maintaining designated bike and pedestrian pathways.
- 2) Place a moratorium on approval of any higher density projects impacting Leucadia until such time as the adjoining major thoroughfares can be enhanced to render such impacts "insignificant".

Thank you for your consideration of our comments,
John D. and family
Eolus Ave residents since 1992

24-A

24-B

24-C

24-D

24-E

24-F

24-G

24-A

Comment Summary:

The commenter reiterates that the proposed project would result in significant and unavoidable transportation impacts.

Response:

Refer to **Master Response 4, Vehicle Miles Traveled**, and Responses to Comments 1-B and 1-C. As identified in EIR Section 3.12, Transportation, the City acknowledges the project would result in a significant and unavoidable impact relative to VMT, as no feasible mitigation is available to reduce such impacts to less than significant.

24-B

Comment Summary:

The comment states that the streetscape project on Highway 101 has worsened traffic conditions and caused overflow on the surrounding streets during rush hour.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on traffic conditions. The comment does not raise an environmental concern relative to the proposed project, nor address the adequacy of the EIR.

24-C

Comment Summary:

This comment states that the Marea Hotel has worsened traffic conditions in the area.

0.0 Preface

From: leucadijohn@dslextre.com <leucadijohn@dslextre.com>
Sent: Monday, November 8, 2021 12:42 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village Draft EIR Comments

[NOTICE: Caution: External Email]

Mr. Scott Vurbef,

We, as unpaid Leucadia stake holders in Marea Village, protest yet another out-of-character and significantly impactful project. The Marea Village EIR concludes the project will have "significant and unavoidable" transportation impacts.

24-A

Existing Leucadia residents are already experiencing the "significant and unavoidable" impacts of the Streetscape lane-diet project, which has caused overflow (from eliminating two lanes of traffic) into our surrounding residential streets during rush hours.

24-B

Likewise, the Marea Beach Resort is already causing "significant and unavoidable" transportation impacts to the La Costa/Coast Hwy/Vulcan intersections - especially during rush hour and the ever-lengthening tourist season in Encinitas.

24-C

Vintage Leucadia resident input has been pretty much ignored regarding the "significant and unavoidable" 3 story 72-unit 1967 Vulcan apartments and other planned developments near La Costa Ave/Hwy 5. Given that the Encinitas Planning Commission and City Council appear to be ok with approving "significant and unavoidable" transportation impact projects, how about at least considering two possible mitigation steps:

24-D

1) Re-imagine the Streetscape project (now with its extra \$20M loan) to re-embrace four-lane traffic flow through old Leucadia, while still maintaining designated bike and pedestrian pathways.

24-E

2) Place a moratorium on approval of any higher density projects impacting Leucadia until such time as the adjoining major thoroughfares can be enhanced to render such impacts "insignificant".

24-F

Thank you for your consideration of our comments,
John D. and family
Eolus Ave residents since 1992

24-G

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on traffic conditions. The comment does not raise an environmental concern relative to the proposed project nor address the adequacy of the EIR.

24-D

Comment Summary:

The commenter states that resident input was ignored when the City approved the Vulcan apartment project.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise an environmental concern relative to the proposed project nor address the adequacy of the EIR. No further response is required or needed.

24-E

Comment Summary:

The commenter suggests that the streetscape project should be reimagined to keep the four-lane configuration to reduce traffic.

Response:

The City acknowledges the comments provided; however, such comments do not raise an issue relevant to the proposed project nor question the adequacy of the EIR. The North Highway 101 Streetscape Improvement Project has been approved by the City and is currently under construction; the Streetscape Improvement Project is not

From: leucadiajohn dslextre.me.com <leucadiajohn@dslextre.me.com>
Sent: Monday, November 8, 2021 12:42 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea Village Draft EIR Comments

[NOTICE: Caution: External Email]

Mr. Scott Vurbeff,

We, as unpaid Leucadia stake holders in Marea Village, protest yet another out-of-character and significantly impactful project. The Marea Village EIR concludes the project will have "significant and unavoidable" transportation impacts.

Existing Leucadia residents are already experiencing the "significant and unavoidable" impacts of the Streetscape lane-diet project, which has caused overflow (from eliminating two lanes of traffic) into our surrounding residential streets during rush hours.

Likewise, the Marea Beach Resort is already causing "significant and unavoidable" transportation impacts to the La Costa/Coast Hwy/Vulcan intersections - especially during rush hour and the ever-lengthening tourist season in Encinitas.

Vintage Leucadia resident input has been pretty much ignored regarding the "significant and unavoidable" 3 story 72-unit 1967 Vulcan apartments and other planned developments near La Costa Ave/Hwy 5. Given that the Encinitas Planning Commission and City Council appear to be ok with approving "significant and unavoidable" transportation impact projects, how about at least considering two possible mitigation steps:

- 1) Re-imagine the Streetscape project (now with its extra \$20M loan) to re-embrace four-lane traffic flow through old Leucadia, while still maintaining designated bike and pedestrian pathways.
- 2) Place a moratorium on approval of any higher density projects impacting Leucadia until such time as the adjoining major thoroughfares can be enhanced to render such impacts "insignificant".

Thank you for your consideration of our comments,
John D. and family
Eolus Ave residents since 1992

24-A

24-B

24-C

24-D

24-E

24-F

24-G

associated with the proposed project (other than for consideration of design improvements proposed with the Streetscape Improvement Project that may affect the proposed project design). No further response is required.

24-F

Comment Summary:

The commenter suggests that the City should place a moratorium on high-density projects until transportation impacts in the area can be resolved.

Response:

The City acknowledges the comments provided. This comment does not raise an issue relevant to the proposed project nor question the adequacy of the EIR. No further response is required.

24-G

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

25 JOHN AND ELENA THOMPSON

From: Elena Thompson <elenathompson@cox.net>
Sent: Saturday, November 6, 2021 8:46 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: 11-6-21 Marea Village EIR - Public Comment

[NOTICE: Caution: External Email]

Hello Mr. Vurbuff/others,

As Leucadia residents, we would welcome new development in our Leucadia community including the Marea Village Project with 93 apartments for rent, a 30-room hotel, commercial and retail operations provided that the following key items are satisfied in the EIR, per CEQA:

- **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean. It's unclear in the EIR if the existing traffic study is current (conducted at peak summer season) and takes in to account ALL existing developments and those in the development que including the Ponto Hotel with 230 rooms.**
- **Developer funded mitigation infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, roadway, ocean and lagoon water quality, bluff failures) in exchange for the substantial impacts of the project. It's unclear in the EIR what the developer is going to do to pay for public safety and environmental mitigation resulting from this development.**
- **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east, including the Leucadia overall "Community Character" (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign). It's not clear that the developer is working closely with the surrounding community to create a win-win for neighboring residents and take into concern their concerns for the above aforementioned items.**
- **Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals.**

25-A

25-B

25-C

25-D

25-A

Comment Summary:

The comment states that the traffic study for the project needs to be timely, accurate, and conducted during peak summer season. The traffic studies should also incorporate other cumulative projects, such as the Ponto Hotel with 230 rooms.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

The commenter expresses concerns about the timing of the traffic counts conducted for the Trip Generation Analysis. Intersection counts were collected between 7:00 AM to 9:00 AM for the AM commuter period and from 4:00 PM to 6:00 PM for the PM commuter period. Traffic counts were conducted between November 2019 and February 2020. As such, the traffic counts were conducted prior to the COVID-19 lockdowns that disrupted normal traffic conditions.

From: Elena Thompson <elenathompson@cox.net>
Sent: Saturday, November 6, 2021 8:46 AM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: 11-6-21 Marea Village EIR - Public Comment

[NOTICE: Caution: External Email]

Hello Mr. Vurbuff/others,

As Leucadia residents, we would welcome new development in our Leucadia community including the Marea Village Project with 93 apartments for rent, a 30-room hotel, commercial and retail operations provided that the following key items are satisfied in the EIR, per CEQA:

- Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean. It's unclear in the EIR if the existing traffic study is current (conducted at peak summer season) and takes in to account ALL existing developments and those in the development que including the Ponto Hotel with 230 rooms.
- Developer funded mitigation infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, roadway, ocean and lagoon water quality, bluff failures) in exchange for the substantial impacts of the project. It's unclear in the EIR what the developer is going to do to pay for public safety and environmental mitigation resulting from this development.
- Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east, including the Leucadia overall "Community Character" (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign). It's not clear that the developer is working closely with the surrounding community to create a win-win for neighboring residents and take into concern their concerns for the above aforementioned items.
- Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals.

25-A

25-B

25-C

25-D

The traffic study included a cumulative analysis based upon a list of cumulative projects approved by the City. No further response is required.

25-B

Comment Summary:

The comment states that the project developer should mitigate impacts by funding safety measures for roundabouts, sidewalks, bike lanes, roadway, ocean and lagoon water quality, and bluff failures.

Response:

Refer to **Master Response 2, Safety**, and **Master Response 3, Bluff Stability**.

The project has been designed with consideration for the City's North Coast Highway 101 Streetscape Improvement Project, currently under construction. The Streetscape Improvement Project is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include, but are not limited to, reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (e.g., enhanced sidewalks, new crosswalks, bike lanes); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists.

As discussed in EIR Section 3.8, Hydrology and Water Quality, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and

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25-A

25-B

25-C

25-D

construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

25-C

Comment Summary:

The comment recommends the project developer to consult with the community and modify project design to preserve "community character" (placement of buildings, parking, lighting, trash receptacles, driveway entry, and relocation of Leucadia entry sign).

Response:

Refer to Response to Comment 25-M, below. The City acknowledges the comments provided.

25-D

Comment Summary:

This comment states that the project should satisfy the Encinitas North 101 Corridor Community Vision and Specific Plan Goals.

Response:

This comment expresses the opinion of the commenter. The project has been designed in accordance with the requirements of the applicable

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- **Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals.**

25-A
25-B
25-C
25-D

General Plan, Housing Law and objective Design Standards, and zoning regulations for the property (with exception of the requested increase in maximum height and story limits, as allowed by the density bonus incentives). Additionally, the project provides a mixed-use environment, offering a combination of smaller and larger structures on-site, varying in square footage, height, and appearance, to accommodate the various uses proposed. As stated in Section 3.9, Land Use and Planning, of the EIR, the project would not conflict with the General Plan, Municipal Code, or Local Coastal Program relative to avoidance or mitigation of an environmental effect and impacts would be less than significant.

As discussed in Section 2.0, Project Description, of the EIR, Parcels 1 and 2 are zoned R30 and are therefore subject to the objective design requirements identified in the Encinitas Municipal Code (Section 30.16); only Parcel 3 is located within the boundary of the N101SP, and therefore, subject to the land use and objective design guidelines identified in the specific plan. The entire project site is subject to the City's discretionary design review process (whether or not a particular site is located within the Specific Plan boundary).

Section 3.1, Aesthetics, of the EIR acknowledges that Chapter 4.0, Design Recommendations, of the N101SP provides specific objective design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the city's Design Review process to ensure that development occurs in conformance with such guidelines and to reduce potential effects on existing visual resources and community character, as well as to minimize land use conflicts. Section 3.1 of the EIR analyzes whether the project would conflict with applicable zoning and other regulations pertaining to scenic quality, and specifically with regard to the N101SP (see specifically EIR pages 3.1-33 to 3.1-35).

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25-A

25-B

25-C

25-D

Additionally, Section 3.9, Land Use and Planning, discusses the applicability of the N101SP and evaluates project conformance with the plan, noting that the project would be subject to the City's Design Review process to ensure conformance with the goals and policies of the N101SP, including for objective architectural characteristics such as scale and bulk, building height, color, building mass, materials, walls and fences, lighting, and rooflines (see specifically EIR pages 3.9-15 to 3.9-16).

Based on the elevations, architectural and site plans, and other available project documents prepared, the EIR determined that the project would not result in a significant impact relative to aesthetics or land use, nor would the project conflict with the design recommendations identified in the N101SP.

Refer also to additional comments and responses below for more specific discussion.

- 1) **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean.** 25-E

- It's unclear not being a planner, simply residents, when the traffic study was conducted, but it is our understanding that it needs to be conducted at peak driving times, include vehicle miles traveled metrics, and take in to consideration the other developments in existence or approved, in the process of approval for construction
 - Hyatt Alila Hotel – 120 rooms adjacent to the project
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 - 48 home development on La Costa Ave
 - 13 room motel on La Costa Ave
 - Ponto -230 room hotel (S. Carlsbad)
 - Possible timeshare at La Costa x 10125-F

- It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa. 25-G

- 2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.** 25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound). 25-I

- B. Drainage and run-off- how will this be handled given the proximity to key waterways with a subterranean parking garage? 25-J

- C. Bluff fragility – with the current lawsuit pending stemming from the bluff collapse causing multiple deaths and all 255 property owners in SeaBluff townhomes named in the lawsuit as a result, what protections are in place that any excavation and construction at the Marea Village project and garage will not impact nearby residences and the sandstone environment, possible property values were geologic issues to ensue? 25-K

- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what? 25-L

- 3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluff on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)** 25-M

25-E

Comment Summary:

This comment states that the traffic study should be timely and accurate and include cumulative projects.

Response:

Refer to Response to Comment 25-A, above. No further response is required.

25-F

Comment Summary:

The comment provides a list of cumulative projects that should be included in the traffic analysis.

Response:

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site. The cumulative projects analyzed in the LOS study can be found in Chapter 6.0, Cumulative Projects, in Appendix L-2.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

0.0 Preface

- 1) **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean.**

25-E

It's unclear not being a planner, simply residents, when the traffic study was conducted, but it is our understanding that it needs to be conducted at peak driving times, include vehicle miles traveled metrics, and take in to consideration the other developments in existence or approved, in the process of approval for construction

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- Possible timeshare at La Costa x 101

25-F

It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa.

25-G

- 2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.**

25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound).
- B. Drainage and run-off- how will this be handled given the proximity to key waterways with a subterranean parking garage?
- C. Bluff fragility – with the current lawsuit pending stemming from the bluff collapse causing multiple deaths and all 255 property owners in SeaBluffe townhomes named in the lawsuit as a result, what protections are in place that any excavation and construction at the Marea Village project and garage will not impact nearby residences and the sandstone environment, possible property values were geologic issues to ensue?
- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what?

25-I

25-J

25-K

25-L

- 3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)**

25-M

25-G

Comment Summary:

This comment states that the traffic study was prepared before the Alila Marea Hotel was opened. The commenter then states that a 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa Avenue.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis will be considered by City of Encinitas decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. For more information on the LOS analysis, refer to Appendix L-2 of the EIR.

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25-E

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25-G

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25-H

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25-M

25-H

Comment Summary:

This comment states that the project developer should mitigate impacts by funding safety measures for roundabouts, sidewalks, bike lanes, roadway, ocean and lagoon water quality, and bluff failures.

Response:

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25-M

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25-I

Comment Summary:

The commenter states that the developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. The commenter states that the roundabout at La Costa Avenue and the Highway 101 "should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility." The commenter is concerned for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35 miles per hour road (southbound).

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The

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- It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa. 25-G

- 2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.** 25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound). 25-I

- B. Drainage and run-off- how will this be handled given the proximity to key waterways with a subterranean parking garage? 25-J

- C. Bluff fragility – with the current lawsuit pending stemming from the bluff collapse causing multiple deaths and all 255 property owners in SeaBluff townhomes named in the lawsuit as a result, what protections are in place that any excavation and construction at the Marea Village project and garage will not impact nearby residences and the sandstone environment, possible property values were geologic issues to ensue? 25-K

- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what? 25-L

- 3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluff on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)** 25-M

access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day.

A description of the proposed pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

25-J

Comment Summary:

The commenter inquiries about drainage and runoff from the proposed project and the subterranean parking garage.

0.0 Preface

1) **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean.**

25-E

It's unclear not being a planner, simply residents, when the traffic study was conducted, but it is our understanding that it needs to be conducted at peak driving times, include vehicle miles traveled metrics, and take in to consideration the other developments in existence or approved, in the process of approval for construction

- Hyatt Alila Hotel – 120 rooms adjacent to the project
- Vulcan Apartments – 72 units on Vulcan at La Costa
- 48 home development on La Costa Ave
- 13 room motel on La Costa Ave
- Ponto -230 room hotel (S. Carlsbad)
- Possible timeshare at La Costa x 101

25-F

It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa.

25-G

2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.**

25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound).
- B. Drainage and run-off- how will this be handled given the proximity to key waterways with a subterranean parking garage?
- C. Bluff fragility – with the current lawsuit pending stemming from the bluff collapse causing multiple deaths and all 255 property owners in SeaBluffe townhomes named in the lawsuit as a result, what protections are in place that any excavation and construction at the Marea Village project and garage will not impact nearby residences and the sandstone environment, possible property values were geologic issues to ensue?
- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what?

25-I

25-J

25-K

25-L

3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)**

25-M

Response:

As discussed in Impact 3.8-1 of the EIR, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site. As such, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in flooding on-site or the surrounding areas. Impacts would be less than significant.

Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

25-K

Comment Summary:

The commenter is concerned that the proposed project would damage the bluffs and asks what protections are in place to ensure impacts to nearby residences and the sandstone environment do not occur.

Response:

Refer to Response to Comment 25-J, above. Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate. No further response is required.

- 1) **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean.** 25-E

- It's unclear not being a planner, simply residents, when the traffic study was conducted, but it is our understanding that it needs to be conducted at peak driving times, include vehicle miles traveled metrics, and take in to consideration the other developments in existence or approved, in the process of approval for construction
 - Hyatt Alila Hotel – 120 rooms adjacent to the project
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 - 48 home development on La Costa Ave
 - 13 room motel on La Costa Ave
 - Ponto -230 room hotel (S. Carlsbad)
 - Possible timeshare at La Costa x 10125-F

- It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa. 25-G

- 2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.** 25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound). 25-I

- B. Drainage and run-off- how will this be handled given the proximity to key waterways with a subterranean parking garage? 25-J

- C. Bluff fragility – with the current lawsuit pending stemming from the bluff collapse causing multiple deaths and all 255 property owners in SeaBluffe townhomes named in the lawsuit as a result, what protections are in place that any excavation and construction at the Marea Village project and garage will not impact nearby residences and the sandstone environment, possible property values were geologic issues to ensue? 25-K

- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what? 25-L

- 3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)** 25-M

25-L

Comment Summary:

The commenter inquires about on-site parking and the potential for overflow parking.

Response:

A total of 257 off-street parking spaces would be provided for the project through a combination of garage parking and limited surface parking. The project proposes construction of an approximately 78,158 SF, two-level subterranean parking garage. Table 2.0-4, Parking Requirements, of the EIR identifies the parking ratios and requirements for each of the uses proposed. Based on applicable parking regulations per the Encinitas Municipal Code (Section 30.54.030 - Schedule of Required Off-Street Parking; applies to proposed non-residential uses) and State density bonus law (applies to proposed residential uses), 256.5 parking spaces are required. The project proposes 257 parking spaces and therefore, the project has been designed in conformance with applicable parking requirements. It is not anticipated that any overflow parking would occur.

25-M

Comment Summary:

The comment recommends the project developer to consult with the community and modify project design to preserve "community character" (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, and dedication of a park).

Response:

As discussed in Section 2.3, Planning Context; Section 3.1, Aesthetics; and Section 3.9, Land Use and Planning, of the EIR, the project site is located within the boundaries of the N101SP, and therefore is subject

0.0 Preface

- 1) **Timely and accurate traffic studies of the impacts to the overall and immediate areas on Highway 101 and La Costa Avenue. Not just from this project, but the cumulative projects soon to be underway in this fragile coastal environmental quadrant surrounding the protected Batiquitos Lagoon and Pacific Ocean.**

25-E

It's unclear not being a planner, simply residents, when the traffic study was conducted, but it is our understanding that it needs to be conducted at peak driving times, include vehicle miles traveled metrics, and take in to consideration the other developments in existence or approved, in the process of approval for construction

- Hyatt Alila Hotel – 120 rooms adjacent to the project
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25-F

It's well known fact that La Costa Avenue, a scenic corridor connector road between the I-5 and Hwy 101, is rated D and F in terms of level of service and has over 40 private driveways off the roadway, a substantial accident/collision history. This traffic study was done before the Alila Marea Hotel was opened. The 4-way signal timing needs adjustment and two additional crosswalks should be added at La Costa.

25-G

- 2) **Developer funded infrastructure to protect public safety (roundabouts, sidewalks, bike lanes, parkland, ocean and lagoon water quality, bluff failures) and to mitigate against the substantial impacts of the project.**

25-H

- A. The developer should mitigate vehicular impacts through the funding and construction of a roundabout for entering and exiting the proposed project, not simply one turning pocket. This was discussed over the years and is now discussed in the EIR as merely a "turning pocket", for northbound access, which is both unsafe and not the most functional or safe traffic solution. In addition, the roundabout at La Costa and the 101, forever planned, should be conditioned as a part of any project approval to aid the overall vehicular impacts, reduce traffic back-ups, make for a slower, safer flow of cars and for safer overall mobility. We have concerns for cyclist safety in the area and for cyclists and pedestrians biking/walking by the driveway/street to this project with a turning pocket (northbound) and off a 35MPH road (southbound).
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- D. Parking-what is the overflow solution to parking in this area? Parking on the 101 during the construction alone of the hotel next door caused widespread damage to trees and irrigation. Further, there is not overflow parking available on the 101 for residents and visitor vehicles, so then what?

25-I

25-J

25-K

25-L

- 3) **Modification of key elements of the overall design of the project in consideration of adjacent residential community of SeaBluffe on the southwest side and Leucadia residences to the east (placement of buildings, parking, lighting, trash receptacles, driveway entry, relocation of Leucadia entry sign, dedication of a park)**

25-M

to conformance with the land use and objective design guidelines identified.

Section 3.1, Aesthetics, of the EIR acknowledges that Chapter 4.0, Design Recommendations, of the N101SP provides specific objective design measures for all future development within the Specific Plan area (e.g., architectural style, bulk, height, mass, scale, signage, compatibility). All development within the boundaries of the Specific Plan area, with few exceptions, is subject to the City's Design Review process to ensure that development occurs in conformance with such guidelines and to reduce potential effects on existing visual resources and community character, as well as to minimize land use conflicts. As applicable to the project site, Section 3.1 of the EIR analyzes whether the project would conflict with zoning and other regulations pertaining to scenic quality, and specifically with regard to the N101SP (see EIR pages 3.1-33 to 3.1-35).

Additionally, Section 3.9, Land Use and Planning, discusses the applicability of the N101SP and evaluates project conformance with the plan, noting that the project would be subject to the City's Design Review process to ensure conformance with the goals and policies of the N101SP, including for objective architectural characteristics such as scale and bulk, building height, color, building mass, materials, walls and fences, lighting, and rooflines (see specifically EIR pages 3.9-15 to 3.9-16).

Based on the elevations, architectural and site plans, and other available project documents prepared, the EIR determined that the project would not result in a significant impact relative to aesthetics or land use, nor would the project conflict with the design recommendations identified in the N101SP.

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound.
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings.
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project.
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise.
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project.
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways.
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia.

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific Plan* goals in the following areas:

- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.
- Provide for safe pedestrian circulation.
- Improve parking opportunities.
- Improve vehicular traffic circulation.
- Eliminate flooding and improve drainage.
- Recreation/ open space- Provide more parks and open space.

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses.

John & Elena Thompson, Leucadia Residents and property owners

25-N

25-O

25-P

25-Q

25-R

25-S

25-T

25-U

25-V

25-W

25-X

25-Y

25-Z

25-AA

Contrary to the commenter's assertion, the project is consistent with the applicable plans and objective design standards so the project would not conflict with "community character." The commenter does not provide substantial evidence to support the claim that the project would conflict with community character. No further response is required.

25-N

Comment Summary:

This comment states that "trees and tall hedges should be installed along interior Marea Village fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound."

Response:

The City acknowledges the comments provided. The Conceptual Landscape Plan prepared for the project is subject to City discretionary review and approval to ensure conformance with City landscape design requirements including a 15-foot wide landscape area for screening purposes where the project is adjacent to residentially-zoned property.

25-O

Comment Summary:

The commenter opposes the height of the proposed project and states that Proposition A should limit the height of the building.

Response:

The entire project site is considered a Density Bonus site, subject to the requirements of SB 330. Therefore, the project is eligible for certain incentives (e.g., increase in maximum building height and number of stories with approved incentives).

The maximum building height limits identified as part of Proposition A (30 feet in height or 2 stories) are only applicable to Parcel 3 which is

0.0 Preface

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound.
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings.
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project.
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise.
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project.
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways.
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia.

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas:

- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.
- Provide for safe pedestrian circulation.
- Improve parking opportunities.
- Improve vehicular traffic circulation.
- Eliminate flooding and improve drainage.
- Recreation/ open space- Provide more parks and open space.

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses.

John & Elena Thompson, Leucadia Residents and property owners

25-N
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zoned N-CRM-1. Proposition A does not apply to maximum height limits on Parcels 1 and 2 which are subject to the R30 Overlay zone in the City's Municipal Code. Per Section 30.16.010B6.a. of the Municipal Code, R30 Overlay zone sites are allowed a total of 3 stories and a maximum height of 35 feet for flat roofs and 39 feet for pitched roofs. Additionally, requirements under the R30 zone supersede Proposition A; therefore, the project is not inconsistent with such requirements.

Under the State Density Bonus Law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots. As analyzed in Section 3.9, Land Use and Planning, of the EIR, although incentives are requested to increase the maximum allowed building height of two buildings to 40 feet 6 inches (or 10.5 feet above that allowed within the Coastal Zone) and the maximum number of stories from 2 to 3 for one structure proposed with the development, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor. Additionally, density bonus provisions are outlined under State Government Code Section 65915; legally, a local initiative cannot supersede State law. Under the allowed Density Bonus Law, the increase in maximum building stories (limited to Building 1 on Parcel 3) and increase in building height requested for Parcel 3 (limited to Buildings 1 and 2) and Parcel 2 (limited to Buildings 4 and 6) is allowed with approval of the requested incentives, and therefore, the project is consistent with the R30 Overlay zone in the Municipal Code.

25-P

Comment Summary:

The commenter would like the project to limit lighting on-site to protect dark skies.

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia. 25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas:

- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development. 25-U
- Provide for safe pedestrian circulation. 25-V
- Improve parking opportunities. 25-W
- Improve vehicular traffic circulation. 25-X
- Eliminate flooding and improve drainage. 25-Y
- Recreation/ open space- Provide more parks and open space. 25-Z

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses. 25-AA

John & Elena Thompson, Leucadia Residents and property owners

Response:

The City acknowledges the comments provided. Refer to Section 3.1, Aesthetics, of the EIR, which discusses project-related lighting impacts. All project lighting has been designed in conformance with City nighttime lighting regulations. Additionally, a photometric analysis was prepared and reviewed by City staff to ensure that adverse effects from light spillover onto adjacent properties do not occur. As identified in Section 3.1, Aesthetics, of the EIR, no significant impacts from project lighting would occur, and no mitigation measures are required.

25-Q

Comment Summary:

The commenter would like the entrance and exit of the project at the north end of the proposed development to be moved closer to the hotel to reduce noise, including noise from trash collection.

Response:

The comments provided are acknowledged by the City. The project is subject to City discretionary review and approval for conformance with adopted design regulations pertaining to ingress/egress. Additionally, trash collection would occur from the interior of the property for the various uses proposed.

25-R

Comment Summary:

This comment states that more trees should be planted along Highway 101 frontage and the current Leucadia sign should be relocated (or improved) to the north side of this project.

Response:

As stated in Section 2.0, Project Description, of the EIR, the project proposes to plant approximately 116 trees. As such, the project would

0.0 Preface

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia. 25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

- It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas: 25-U
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development. 25-V
 - Provide for safe pedestrian circulation. 25-W
 - Improve parking opportunities. 25-X
 - Improve vehicular traffic circulation. 25-Y
 - Eliminate flooding and improve drainage. 25-Z
 - Recreation/ open space- Provide more parks and open space. 25-AA

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses.

John & Elena Thompson, Leucadia Residents and property owners

more than double the current number of trees on-site. All landscaping would be in conformance with the City's development standards of provided 30 trees per net acre and the landscaping requirements and subject to City discretionary review and approval.

Relocation of the City of Leucadia sign is not related to the proposed project, nor relevant to a CEQA-related topic. No further response is warranted.

25-S

Comment Summary:

The commenter states that the project should include a dog park to reduce animal waste in nearby waterways.

Response:

The City acknowledges the comment provided; however, this comment does not raise an issue relevant to CEQA or question the adequacy of the EIR. No further response is required.

25-T

Comment Summary:

The commenter states that the project should include a public park to address the shortage of parks in Leucadia.

Response:

Refer to Section 2.0, Project Description, of the EIR which provides a detailed discussion of the project components proposed. The project does not propose a "public park"; however, as part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage social interaction and community engagement. A pedestrian bridge would also be constructed at the north end of the

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia. 25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

- It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific Plan* goals in the following areas: 25-U
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.
 - Provide for safe pedestrian circulation. 25-V
 - Improve parking opportunities. 25-W
 - Improve vehicular traffic circulation. 25-X
 - Eliminate flooding and improve drainage. 25-Y
 - Recreation/ open space- Provide more parks and open space. 25-Z

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses.

John & Elena Thompson, Leucadia Residents and property owners 25-AA

project site to connect the proposed 34-room hotel to the adjacent Alila Marea Beach Resort and provide indirect access to South Ponto State Beach. Additionally, the project has been designed to conform with zoning requirements for the provision of open space for each residential unit. Approximately 6,575 SF total (100 SF/dwelling unit) of private open space and 21,344 SF (or 200 SF/dwelling unit) of common amenity open space are proposed with the development.

25-U

Comment Summary:

This comment states that the project should satisfy the Encinitas North 101 Corridor Community Vision and Specific Plan Goals.

Response:

Refer to Responses to Comments 25-V to 25-Z. No further response is required.

25-V

Comment Summary:

The comment states that the project should provide for safe pedestrian circulation.

Response:

A description of the project's pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located

0.0 Preface

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound.
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings.
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project.
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise.
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project.
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways.
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia.

25-N

25-O

25-P

25-Q

25-R

25-S

25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas:

- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.
- Provide for safe pedestrian circulation.
- Improve parking opportunities.
- Improve vehicular traffic circulation.
- Eliminate flooding and improve drainage.
- Recreation/ open space- Provide more parks and open space.

25-U

25-V

25-W

25-X

25-Y

25-Z

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses.

25-AA

John & Elena Thompson, Leucadia Residents and property owners

immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As indicated in Section 2.0, Project Description, of the EIR, the improvements proposed with the project would implement the goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia. 25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

- It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific Plan* goals in the following areas:
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development. 25-U
 - Provide for safe pedestrian circulation. 25-V
 - Improve parking opportunities. 25-W
 - Improve vehicular traffic circulation. 25-X
 - Eliminate flooding and improve drainage. 25-Y
 - Recreation/ open space- Provide more parks and open space. 25-Z

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses. 25-AA

John & Elena Thompson, Leucadia Residents and property owners

25-W

Comment Summary:

The comment states that the project should improve parking opportunities.

Response:

A total of 257 off-street parking spaces would be provided for the project through a combination of garage parking and limited surface parking. The project includes construction of an approximately 78,158 SF, two-level subterranean parking garage. The parking garage would offer parking spaces for use by hotel occupants, apartment residents, patrons of the proposed retail uses, and users of the on-site common use areas open to the public. Based on applicable parking regulations per the Encinitas Municipal Code (Section 30.54.030 - Schedule of Required Off-Street Parking; applies to proposed non-residential uses) and State density bonus law (applies to proposed residential uses), 256.5 parking spaces are required. The project proposes 257 parking spaces and therefore, the project has been designed in conformance with applicable parking requirements. It is not anticipated that any overflow parking would occur.

25-X

Comment Summary:

The comment states that the project should improve vehicular traffic circulation.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant

0.0 Preface

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
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4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

- It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas:
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development. 25-U
 - Provide for safe pedestrian circulation. 25-V
 - Improve parking opportunities. 25-W
 - Improve vehicular traffic circulation. 25-X
 - Eliminate flooding and improve drainage. 25-Y
 - Recreation/ open space- Provide more parks and open space. 25-Z

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses. 25-AA

John & Elena Thompson, Leucadia Residents and property owners

LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

Refer to Response to Comment 1-C. As the City has conducted its due diligence on VMT reduction measures for the proposed project and has found no reasonable and feasible measures to reduce VMT impacts to a less than significant level, VMT impacts associated with the proposed project remain significant and unavoidable and no additional mitigation measures have been required in the Final EIR.

25-Y

Comment Summary:

The comment states that the project should eliminate flooding and improve drainage.

Response:

As discussed in Impact 3.8-1 of the EIR, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site. As such, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in flooding on-site or the surrounding areas. Impacts would be less than significant.

As nearby property owners, we have the following concerns we are not seeing addressed in the EIR:

- A. The height, mass and scale of residential living facilities and parking in close proximity to existing residences. Major green plantings of trees and tall hedges should be installed along interior MV fence lines at the onset of any construction to provide proper screening and greening and protect privacy, sound. 25-N
- B. We do not support the current heights of the apartments being built-up to the heights of SeaBluffe residential units, high up on the bluff above to the west. Proposition A should limit the heights of residential buildings. 25-O
- C. We would like to see limited lighting on the premises to protect our evening dark sky along the coastline, edge of the continent location, at risk from this project. 25-P
- D. We would like to see the entry and exit of this project at the north end of the proposed development, closer to the hotel, to reduce noise including locating of trash receptacles for trash truck collection noise. 25-Q
- E. More trees should be planted along the 101 frontage of this project and the current Leucadia sign should be relocated (or improved) to the north side of this project. 25-R
- F. A dog park should be a part of the design, to reduce and limit residential and visitor dog waste in nearby waterways. 25-S
- G. A park for people should be integrated within the design to address open space needs and the shortage of parks in Leucadia. 25-T

4) Satisfying the Encinitas North 101 Corridor Community Vision and Specific Plan Goals

- It's unclear in the EIR/CEQA analysis how this project satisfies the *Encinitas North 101 Corridor Community Vision and Specific* Plan goals in the following areas: 25-U
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development. 25-V
 - Provide for safe pedestrian circulation. 25-W
 - Improve parking opportunities. 25-X
 - Improve vehicular traffic circulation. 25-Y
 - Eliminate flooding and improve drainage. 25-Z
 - Recreation/ open space- Provide more parks and open space.

Thank you for your consideration and fostering bringing forth community projects that create a "win-win" for project owners and local property owners, residents and businesses. 25-AA

John & Elena Thompson, Leucadia Residents and property owners

Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

25-Z

Comment Summary:

The comment states that the project should provide more parks and open space.

Response:

Refer to Response to Comment 25-T. No further response is required.

25-AA

Comment Summary:

This is the conclusion of the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

26 JOYCE KING

From: Joyce King <bioncwmn@gmail.com>
Sent: Monday, November 8, 2021 10:18 AM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>; Catherine Blakespear <catherine@blakespear4encinitas.com>
Cc: Dianna Mansi Nunez <dianna.nunez@gmail.com>; King Joyce <bioncwmn@gmail.com>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbuff,
 As a member of Leucadia Now I recently received an artist's rendition of the proposal of Marea Village. I have lived at 311 Hillcrest Dr. since 1974, about 1/2 mile away from this proposed development. To mitigate the horrendous traffic on La Costa Ave, just to the east of the Coast Hwy., the city has put in a 3-way stop sign to slow down traffic and to safely allow traffic turning left onto Vulcan Ave to do so safely. I use this intersection frequently. Prior to the stop sign, one took one's life in one's hands to make this left turn. The stop sign has helped a lot, but there is a big problem during rush hour when the traffic backs up both ways and one is unable to make the left turn described above. Have you been to this area during rush hour? **Please do so to fully understand my points.** Then, a very large 3 story development (sorry, I can't remember the name) has been approved for the blind corner on Vulcan Ave. I can't imagine what this area will be like for traffic once this is built. And now, you want to approve another large housing development, very close to the area that I am describing?! **It is unfair and illogical for another large development to be built in this very small area.** Please reconsider this housing and down size this development considerably.

26-A

26-B

26-C

I understand the need for affordable housing and low income housing for the city. However, a few years ago the city proposed an apt. development on Quai Gardens Road. Even though I do not live near this area, I frequently drive down this road at many different times a day. This proposal concerned City owned land and thus the City would have a lot of control over the development. The NIMBYS that live to the east of the proposed development organized and complained and the proposal was dropped. This area is close to downtown, has wide, fairly straight roads and, in my humble view, would have been an excellent area to build high density housing. Bus stops could have been easily added.

26-D

I am so very disappointed as to how you and your colleagues have chosen a small old part of Leucadia and have decided to built over 100 units in an area that is already congested.

26-E

I cannot attend the meeting tonight, but hope that my concerns will be discussed.

Thanks for reading this rather wordy letter and thank you for your public service.

26-F

Sincerely,
 Joyce L. King
 311 Hillcrest Dr.
 Leucadia
 760 803-5432

26-A

Comment Summary:

This is an introduction to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

26-B

Comment Summary:

This comment states the three-way stop sign on La Costa Avenue has improved safety but increased traffic. The commenter asks what the project will do to relieve traffic during rush hour.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

However, the project would implement mitigation measures to address vehicles miles traveled (VMT). Refer to **Master Response 4, Vehicle**

From: Joyce King <bioncwmn@gmail.com>
Sent: Monday, November 8, 2021 10:18 AM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>; Catherine Blakespear <catherine@blakespear4encinitas.com>
Cc: Dianna Mansi Nunez <dianna.nunez@gmail.com>; King Joyce <bioncwmn@gmail.com>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbefff,

As a member of Leucadia Now I recently received an artist's rendition of the proposal of Marea Village. I have lived at 311 Hillcrest Dr. since 1974, about 1/2 mile away from this proposed development. To mitigate the horrendous traffic on La Costa Ave, just to the east of the Coast Hwy., the city has put in a 3-way stop sign to slow down traffic and to safely allow traffic turning left onto Vulcan Ave to do so safely. I use this intersection frequently. Prior to the stop sign, one took one's life in one's hands to make this left turn. The stop sign has helped a lot, but there is a big problem during rush hour when the traffic backs up both ways and one is unable to make the left turn described above. Have you been to this area during rush hour? **Please do so to fully understand my points.** Then, a very large 3 story development (sorry, I can't remember the name) has been approved for the blind corner on Vulcan Ave. I can't imagine what this area will be like for traffic once this is built. And now, you want to approve another large housing development, very close to the area that I am describing?! **It is unfair and illogical for another large development to be built in this very small area.** Please reconsider this housing and down size this development considerably.

I understand the need for affordable housing and low income housing for the city. However, a few years ago the city proposed an apt. development on Quai Gardens Road. Even though I do not live near this area, I frequently drive down this road at many different times a day. This proposal concerned City owned land and thus the City would have a lot of control over the development. The NIMBYS that live to the east of the proposed development organized and complained and the proposal was dropped. This area is close to downtown, has wide, fairly straight roads and, in my humble view, would have been an excellent area to build high density housing. Bus stops could have been easily added.

I am so very disappointed as to how you and your colleagues have chosen a small old part of Leucadia and have decided to build over 100 units in an area that is already congested.

I cannot attend the meeting tonight, but hope that my concerns will be discussed.

Thanks for reading this rather wordy letter and thank you for your public service.

Sincerely,
Joyce L. King
311 Hillcrest Dr.
Leucadia
760 803-5432

26-A

26-B

26-C

26-D

26-E

26-F

Miles Traveled. To reduce the VMT/capita and VMT/employee associated with the project to a less than significant level, VMT-reducing measures would need to be implemented. As such, TDM strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure TR-1.

CAPCOA, which provides guidance on how to quantify GHG mitigation measures, states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Therefore, since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to below a level of significance, it would provide some level of VMT reduction. However, impacts relative to VMT would remain significant and unavoidable.

In assessing the feasibility of mitigation, the City considers both the feasibility and enforceability of such measures. The City has determined that these measures are also not feasible or reasonably expected to reduce VMT and were not considered for the proposed project. As the City has conducted its due diligence on VMT reduction measures for the proposed project and has found no reasonable and feasible measures to reduce VMT impacts to a less than significant level, VMT impacts associated with the proposed project remain significant and unavoidable and no additional mitigation measures have been required in the Final EIR.

0.0 Preface

From: Joyce King <bioncwmn@gmail.com>
Sent: Monday, November 8, 2021 10:18 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>; Catherine Blakespear <catherine@blakespear4encinitas.com>
Cc: Dianna Mansi Nunez <dianna.nunez@gmail.com>; King Joyce <bioncwmn@gmail.com>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbef,
 As a member of Leucadia Now I recently received an artist's rendition of the proposal of Marea Village. I have lived at 311 Hillcrest Dr. since 1974, about 1/2 mile away from this proposed development. To mitigate the horrendous traffic on La Costa Ave, just to the east of the Coast Hwy., the city has put in a 3-way stop sign to slow down traffic and to safely allow traffic turning left onto Vulcan Ave to do so safely. I use this intersection frequently. Prior to the stop sign, one took one's life in one's hands to make this left turn. The stop sign has helped a lot, but there is a big problem during rush hour when the traffic backs up both ways and one is unable to make the left turn described above. Have you been to this area during rush hour? **Please do so to fully understand my points.** Then, a very large 3 story development (sorry, I can't remember the name) has been approved for the blind corner on Vulcan Ave. I can't imagine what this area will be like for traffic once this is built. And now, you want to approve another large housing development, very close to the area that I am describing?! **It is unfair and illogical for another large development to be built in this very small area.** Please reconsider this housing and down size this development considerably.

26-A

26-B

26-C

I understand the need for affordable housing and low income housing for the city. However, a few years ago the city proposed an apt. development on Quai Gardens Road. Even though I do not live near this area, I frequently drive down this road at many different times a day. This proposal concerned City owned land and thus the City would have a lot of control over the development. The NIMBYS that live to the east of the proposed development organized and complained and the proposal was dropped. This area is close to downtown, has wide, fairly straight roads and, in my humble view, would have been an excellent area to build high density housing. Bus stops could have been easily added.

26-D

I am so very disappointed as to how you and your colleagues have chosen a small old part of Leucadia and have decided to built over 100 units in an area that is already congested.

26-E

I cannot attend the meeting tonight, but hope that my concerns will be discussed.

Thanks for reading this rather wordy letter and thank you for your public service.

26-F

Sincerely,
 Joyce L. King
 311 Hillcrest Dr.
 Leucadia
 760 803-5432

26-C

Comment Summary:

This comment states that the Vulcan apartments and the proposed project would result in additional traffic impacts.

Response:

This comment represents the opinion of the commenter. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on traffic conditions. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

26-D

Comment Summary:

This comment describes a previous project that was denied in the City.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

26-E

Comment Summary:

The commenter disapproves of the new development in the area.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR have been determined to be reasonably foreseeable. The list was developed in consultation with the City's Planning Department.

From: Joyce King <bioncwmn@gmail.com>
Sent: Monday, November 8, 2021 10:18 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>; Catherine Blakespear <catherine@blakespear4encinitasca.com>
Cc: Dianna Mansi Nunez <dianna.nunez@gmail.com>; King Joyce <bioncwmn@gmail.com>
Subject: Marea Village Proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbef,

As a member of Leucadia Now I recently received an artist's rendition of the proposal of Marea Village. I have lived at 311 Hillcrest Dr. since 1974, about 1/2 mile away from this proposed development. To mitigate the horrendous traffic on La Costa Ave, just to the east of the Coast Hwy., the city has put in a 3-way stop sign to slow down traffic and to safely allow traffic turning left onto Vulcan Ave to do so safely. I use this intersection frequently. Prior to the stop sign, one took one's life in one's hands to make this left turn. The stop sign has helped a lot, but there is a big problem during rush hour when the traffic backs up both ways and one is unable to make the left turn described above. Have you been to this area during rush hour? **Please do so to fully understand my points.** Then, a very large 3 story development (sorry, I can't remember the name) has been approved for the blind corner on Vulcan Ave. I can't imagine what this area will be like for traffic once this is built. And now, you want to approve another large housing development, very close to the area that I am describing?! **It is unfair and illogical for another large development to be built in this very small area.** Please reconsider this housing and down size this development considerably.

I understand the need for affordable housing and low income housing for the city. However, a few years ago the city proposed an apt. development on Quai Gardens Road. Even though I do not live near this area, I frequently drive down this road at many different times a day. This proposal concerned City owned land and thus the City would have a lot of control over the development. The NIMBYS that live to the east of the proposed development organized and complained and the proposal was dropped. This area is close to downtown, has wide, fairly straight roads and, in my humble view, would have been an excellent area to build high density housing. Bus stops could have been easily added.

I am so very disappointed as to how you and your colleagues have chosen a small old part of Leucadia and have decided to build over 100 units in an area that is already congested.

I cannot attend the meeting tonight, but hope that my concerns will be discussed.

Thanks for reading this rather wordy letter and thank you for your public service.

Sincerely,
Joyce L. King
311 Hillcrest Dr.
Leucadia
760 803-5432

26-A

26-B

26-C

26-D

26-E

26-F

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.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

26-F

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

27 JUDITH BRENT

From: Judith Brent <jascherbrent@yahoo.com>
Sent: Saturday, October 30, 2021 8:03 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
Subject: Marea Village

[NOTICE: Caution: External Email]

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27-A

-La Costa Avenue is a rate"F"

27-B

-Public Safety - lack of sufficient crosswalks to get across PCH from surrounding neighborhoods. Unsafe vehicular ingress/egress from 255 unit SeaBluffe development. Incomplete bike lanes on 101 and La Costa Avenue. Cumulative development will add approximately 10,000 additional daily trips resulting in more traffic accidents.

27-C

-Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon

27-D

-Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment conflicts with City's Climate Action Plan and CEQA

27-E

-Culture of Leucadia is eroding

27-F

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27-G

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 This is from 60 Minutes 24Oct 2021:

"Lake Powell and Lake Mead, the two biggest reservoirs in the country, were nearly full in 2000. Today, they are at just about 30% capacity.

27-H

The lake's now 155 feet below full. It's dropped something like 50 feet this year, And it's still dropping"

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27-I

Sincerely,

27-A

Comment Summary:

The commenter states that they are concerned about the proposed project due to overdevelopment in the area. The comment then lists the cumulative projects that have been constructed recently or have been proposed.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

27-B

Comment Summary:

This comment states that La Costa Avenue has an 'F' LOS rating.

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Sent: Saturday, October 30, 2021 8:03 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>; Council Members <council@encinitasca.gov>; Planning <planning@encinitasca.gov>; Traffic User <traffic@encinitasca.gov>; June Mike Honsberger <los28s@me.com>
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27-A

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Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

27-C

Comment Summary:

The commenter expresses concern for public safety, specifically the lack of crosswalks on Pacific Coast Highway. The commenter also states that ingress/egress out of Seabluffe Village is unsafe. The commenter states that the cumulative project would contribute 10,000 additional daily traffic trips.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the project and the nearby Seabluffe community would be intermittent and dispersed throughout the day.

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27-D

Comment Summary:

This comment states that there is inadequate infrastructure on-site and that the proposed project would pollute the Pacific Ocean and Batiquitos Lagoon.

Response:

As discussed in EIR Section 3.8, Hydrology and Water Quality, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation

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of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

27-E

Comment Summary:

This comment states that the project's pollution and carbon emissions conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's

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carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

27-F

Comment Summary:

This comment states that the culture of Leucadia is eroding.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

27-G

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

27-H

Comment Summary:

This comment states that the proposed project should not be developed because California is in a drought.

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Response:

Section 3.14, Utilities and Service Systems, of the EIR provides an analysis of water supplies available to serve the project as proposed. Historical water consumption data for the project site was provided in the *Preliminary Water Supply Summary* prepared by the SDWD; the SDWD also provided a *Project Facility Availability Form (Water)*, indicating that it can adequately provide water service to the project as proposed for the next five years.

According to the SDWD's UWMP, single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. The SDWD anticipates no reduction of local water supplies for a single- or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority 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. As shown in Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, of the EIR, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

As indicated in Section 3.14, Utilities and Service Systems, of the EIR, the project would increase existing water demands on-site from an estimated 2,266 gpd to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's UWMP, the overall system

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-Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs

- BUT MOST IMPORTANTLY, WE ARE IN A DROUGHT AND IT WOULD BE IRRESPONSIBLE TO ALLOW ANY NEW BUILDING INCLUDING 1967 Vulcan until the Governor's state of emergency is lifted;

"Gov. Gavin Newsom declared a drought emergency for the entire state of California on October 19, 2021, as conservation efforts continue to fall far short of state targets."

"We think we'll be able to manage through this year," said [David Pettijohn](#), director of water resources at the Los Angeles Department of Water and Power. "Next year is the issue. And we don't know what the water year is going to look like. Nobody can predict the weather."

This is from 60 Minutes 24Oct 2021:

"Lake Powell and Lake Mead, the two biggest reservoirs in the country, were nearly full in 2000. Today, they are at just about 30% capacity.

The lake's now 155 feet below full. It's dropped something like 50 feet this year, And it's still dropping"

This past week, California declared a statewide drought emergency. It follows the first-ever federal shortage declaration on the Colorado River, triggering cuts to water supplies in the Southwest. The Colorado is the lifeblood of the region. These reservoirs are now being sucked dry by 40 million different straws - that's the number of people in booming western states who depend on the Colorado to quench their thirst, power their homes, water lawns and splash in the sun. Its waters irrigate farms that produce 90% of the country's winter greens. To all these demands add the stress of a 22 year drought - as dry as any period in 1,200 years - and you have a river in crisis.

Please do your part to save water and make existing residents a priority for any allocation of water. We all know that it takes hundreds if not thousands of gallons of water to make these developments happen.

Sincerely,

27-A

27-B

27-C

27-D

27-E

27-F

27-G

27-H

27-I

of the SDWD is adequately sized to accommodate planned buildout under the city's adopted General Plan. The SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed is consistent with future development as anticipated by the SDWD and by the City and for the subject site.

The analysis provided in the EIR is therefore considered to be adequate and appropriate in evaluating available water supplies to serve the project. As such, implementation of the proposed project would not exacerbate drought conditions. No change to the EIR is required or proposed.

27-I

Comment Summary:

The comment states that, in order to save water, the project should not be developed.

Response:

Refer to Response to Comment 27-H, above. There are sufficient water supplies to serve the project and implementation of the project would not exacerbate drought conditions. No change to the EIR is required or proposed.

28 KENT PLANK

From: kent <Kent@bigstatetools.com>
Sent: Wednesday, November 3, 2021 3:22 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

Attn city of Encinitas below are a few points as to why you should stop the Marea Village project.

- Bluff instability - Recent bluff collapse and death. SeaBluffe, City and State being sued. Grading and pounding to construct two stories of subterranean parking, 94 apartments and a 30 room hotel could further destabilize fragile bluffs.
- Public Safety - Unsafe vehicular ingress/egress from the single 255 unit SeaBluffe development
- Inadequate infrastructure - Inadequate drainage can lead to run-off into Pacific Ocean and protected Batiquitos lagoon
- Pollution - Carbon emissions, run-off etc. conflicts with City's Climate Action Plan and CEQA
- Cumulative Overdevelopment - If all proposed projects approved it will add nearly 10,000 additional DAILY trips. Marea Village has NO provisions for traffic abatement.

Kent Plank
1734 Aldersgate
Encinita CA



28-A

28-B

28-C

28-D

28-E

28-A

Comment Summary:

This comment states that Seabluffe is being sued because of the recent bluff collapse. The commenter is concerned that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

28-B

Comment Summary:

The commenter is concerned about public safety, specifically the ingress/egress into the Seabluffe development.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master**

0.0 Preface

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-Inadequate infrastructure - Inadequate drainage can lead to run-off into Pacific Ocean and protected Batiquitos lagoon

-Pollution - Carbon emissions, run-off etc. conflicts with City's Climate Action Plan and CEQA

-Cumulative Overdevelopment - If all proposed projects approved it will add nearly 10,000 additional DAILY trips. Marea Village has NO provisions for traffic abatement.

Kent Plank
1734 Aldersgate
Encinita CA



28-A

28-B

28-C

28-D

28-E

Response 1, Traffic Level of Service (LOS), for more information on the project's traffic conditions. No further response is required.

28-C

Comment Summary:

The commenter is concerned that runoff from the proposed project would pollute the Pacific Ocean and Batiquitos Lagoon.

Response:

As discussed in Section 3.8, Hydrology and Water Quality, of the EIR, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts

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-Public Safety - Unsafe vehicular ingress/egress from the single 255 unit SeaBluffe development

-Inadequate infrastructure - Inadequate drainage can lead to run-off into Pacific Ocean and protected Batiquitos lagoon

-Pollution - Carbon emissions, run-off etc. conflicts with City's Climate Action Plan and CEQA

-Cumulative Overdevelopment - If all proposed projects approved it will add nearly 10,000 additional DAILY trips. Marea Village has NO provisions for traffic abatement.

Kent Plank
1734 Aldersgate
Encinita CA



28-A

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28-C

28-D

28-E

associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

28-D

Comment Summary:

The commenter is concerned that the proposed project would result in pollution from carbon emissions and runoff that would conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

0.0 Preface

From: kent <Kent@bigstatetools.com>
Sent: Wednesday, November 3, 2021 3:22 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
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-Cumulative Overdevelopment - If all proposed projects approved it will add nearly 10,000 additional DAILY trips. Marea Village has NO provisions for traffic abatement.

Kent Plank
1734 Aldersgate
Encinita CA



28-A

28-B

28-C

28-D

28-E

28-E

Comment Summary:

The commenter is concerned with cumulative impacts from recent developments in the area, specifically cumulative impacts to traffic.

Response:

This comment represents the opinion of the commenter. A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

29 LARRY RIIS

-----Original Message-----

From: larry riis <larryriis@hotmail.com>
Sent: Sunday, November 7, 2021 2:13 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Mares village

[NOTICE: Caution: External Email]

I am a homeowner in the Seabluff community. While not against development, this project, the way it is now, could be a disaster to my community and to anyone who uses the beach south of the hotel.

29-A

As you know, we and the city are being sued for the bluff collapse that killed three people. Allowing this developer to dig into the hillside for parking will cause additional bluff erosion.

29-B

Do you really want to approve something that could cause addition deaths?

29-C

Pair the project down and protect our coastline. A developer doesn't have to protect anyone, but the city does.

29-D

Thank you

Larry Riis
1754 Whitehall
Encinitas
Sent from my iPhone

29-E

29-A

Comment Summary:

The commenter expresses opposition to the proposed project.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

29-B

Comment Summary:

This comment states that Seabluffe is being sued because of the recent bluff collapse. The commenter is concerned that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

29-C

Comment Summary:

The commenter suggests that the proposed project could result in bluff collapse that would result in death.

Response:

Refer to Response to Comment 29-B. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to

0.0 Preface

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From: larry riis <larryriis@hotmail.com>
Sent: Sunday, November 7, 2021 2:13 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Mares village

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29-A

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29-B

Do you really want to approve something that could cause addition deaths?

29-C

Pair the project down and protect our coastline. A developer doesn't have to protect anyone, but the city does.

29-D

Thank you

Larry Riis
1754 Whitehall
Encinitas
Sent from my iPhone

29-E

potential landslide hazards is considered adequate. No further response is required.

29-D

Comment Summary:

This comment requests that the size of the project be reduced to protect the coastline.

Response:

This comment is general and does not identify a specific concern relative to protection of the coastline. Refer also to Section 3.6, Geology and Soils, of the EIR, which determined that potential impacts related to slope stability and collapse are considered to be less than significant.

29-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

30 LIEF PEDERSEN

From: Lief Pedersen <liefpedersen@gmail.com>
Sent: Friday, October 22, 2021 4:18 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: marea village project

[NOTICE: Caution: External Email]

I haven't seen the final project design but I have no objection to the concept of developing such a project. The primary issues appear to be pretty much boilerplate concerns that are a part of every development of this nature. e.g. anything that is proposed will by definition increase density, traffic, etc. If the owner meets all the vigorous requirements by the city, the owner should be able to proceed.

I'm aware there are those who want little to no further construction locally and cause continual delays. But for those of us who complain about costs, this is a major reason why they are as much as they are.

30-A

30-B

30-A

Comment Summary:

The commenter expresses support for the proposed project.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

30-B

Comment Summary:

This comment states that some people do not want more construction in the area.

Response:

The comment is noted. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

31 LORIE SOUSA

From: Lorie Sousa <lorie@coreducational.com>
Sent: Friday, October 15, 2021 11:02 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village Mixed Use Development

[NOTICE: Caution: External Email]

Hello Mr. Vurbef,
 I am writing to lodge my concerns about the proposed Marea Village Project. My primary concerns are bluff stability, traffic, the height of the project, and safety due to lack of evacuation routes for Seabluffe Village of which I am a resident.

Bluffs
 -Excavation, grading and digging needed to build a **two-story subterranean parking** for the proposed **Marea Village** (proposed just south of hotel on PCH---94 Apts., 30 hotel rooms and retail space) risks **destabilizing fragile bluffs about 100 yards away where 3 people tragically died** when they were **buried alive** in a bluff collapse. The city of Encinitas is currently named in a lawsuit which is ironic considering that the construction of the Marea Hotel likely caused the bluff collapse as residents of Seabluffe reported massive vibration from the subterranean digging.
 -Underground water that naturally flows downhill from I-5 towards the ocean could be blocked or diverted by **Marea Village subterranean parking** and further destabilize the fragile bluffs.

Traffic
 - The **EIR provided by the developer makes NO PROVISIONS for traffic abatement** whatsoever.
 -The 12/22/20 Encinitas traffic study created by LOS Engineering, Inc. indicates that currently proposed developments, would result in a combined total of nearly **10,000 Additional Daily Trips!!**
 - Construction of the hotel has already increased traffic substantially and has **increased the rate of accidents** on Coast Highway due to lack of infrastructure. Given that the city of Encinitas has recently adopted a **No Traffic Fatality goal**, it would seem that this would be a concern for the city as well.



31-A

Comment Summary:

The commenter expresses opposition to the proposed project based on concerns about bluff stability, traffic, the height of the project, and safety due to lack of evacuation routes for Seabluffe Village.

Response:

Refer to **Master Response 3, Bluff Stability** and Response to Comment 31-B, below, for more information on potential impacts to the bluffs.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

As stated under Impact 3.12-4, all project roadway and access improvements would be designed in conformance with City engineering and fire department standards for emergency access and circulation. The proposed project would not alter any established off-site emergency vehicle routes or otherwise interfere with emergency access. A Traffic Control Plan would also be prepared and implemented to ensure that adequate access and circulation is maintained on surrounding streets during the project construction phase, which

From: Lorie Sousa <lorie@coreducational.com>
Sent: Friday, October 15, 2021 11:02 AM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Subject: Marea Village Mixed Use Development

[NOTICE: Caution: External Email]

Hello Mr. VurbEFF,
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Bluffs

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31-A
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31-C
31-D
31-E

includes ingress and egress to Seabluffe Village. Therefore, the project would not result in inadequate emergency access to the project or the surrounding areas.

Under the State Density Bonus Law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots. As analyzed in Section 3.9, Land Use and Planning, of the EIR, although incentives are requested to increase the maximum allowed building height to 40 feet 6 inches (or 10.5 feet above that allowed within the Coastal Zone) and the maximum number of stories to 3 for one structure proposed with the development, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor. As stated, the project is subject to the City's Design Review process to ensure that the architectural style and character of the proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

31-B

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

0.0 Preface

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31-C

Comment Summary:

This comment states that the proposed project would alter existing drainage, which would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**, and Response to Comment 31-B, above. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate. No further response is required.

31-D

Comment Summary:

This comment states that the project’s EIR does not include abatement for traffic and that the cumulative projects proposed in the area would result in 10,000 additional daily trips.

Response:

This comment represents the opinion of the commenter. A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

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Sent: Friday, October 15, 2021 11:02 AM
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31-A
31-B
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31-E

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

31-E

Comment Summary:

This comment states that the recently constructed hotel has caused an increase in traffic accidents on Highway 101. The commenter suggests that the proposed project would further increase traffic accidents in the area.

Response:

Refer to **Master Response 2, Safety**.

0.0 Preface

Height of the Project

- The proposed height of **the project is 6 feet above the local ordinance** and needs to be scaled back. This impacts both privacy of the residents of Seabluffe, but more importantly it also has an impact on the bluffs directly as a taller structure would increase bluff fragility and likelihood of another collapse. Another bluff collapse would certainly result in another lawsuit that could bankrupt the city.

Safety Due to Lack of Evacuation Routes

- Seabluffe Village consists of 50 acres and 255 units and it has only one entrance/exit for the entire complex. This means that **approximately 800 residents have only one evacuation route if there were a fire, tsunami, bluff collapse, or train crash.** This evacuation route is already insufficient because there is no traffic light or stop sign in front of the complex. Currently, residents leaving the complex to make a left turn must speed half way through the intersection and wait in the median to make it to the other side. Multiple accidents have occurred as vehicles from the gas station often barrel out onto the highway. It was already unsafe before the hotel construction and the increased traffic has resulted in more accidents in this area. **Adding over a hundred more units in addition to retail with no provision for traffic and safety would be devastating to residents, visitors, and the fiscal future of the city.**

This development should not proceed until these issues are addressed. I agree that low income housing is important and following the law is important, but indiscriminate building with no thought to the safety of its citizens is a recipe for disaster and financial ruin for Encinitas as they will surely result in more fatalities and lawsuits against the city for approving projects regardless of their impact. It is time to start thinking long term. Rubber stamping every project and **bending to the will of every developer will make the City of Encinitas unsafe and unlivable.**

Thank you,

Lorie Sousa, MA, PhD

31-F

31-F

Comment Summary:

This comment states that the height of the proposed project is 6 feet higher than what is allowed in the local ordinance. The commenter states that the height of the project should be scaled back to avoid impacts on the Seabluffe Village development. The commenter also suggests that the taller structure would further destabilize the bluffs.

31-G

Response:

The project has been designed in accordance with the requirements of the applicable General Plan, Housing Law and objective Design Standards, and zoning regulations for the property (with exception of the requested increase in maximum height limit and story limits, as allowed by the density bonus incentives). Additionally, the project provides a mixed-use environment, offering a combination of smaller and larger structures on-site, varying in square footage, height, and appearance, to accommodate the various uses proposed. Buildings along the street frontage would range in height from one to three stories, contributing to the overall visual character of the streetscape and pedestrian scale along Highway 101; refer to Section 3.1, Aesthetics, of the EIR for additional discussion. The project is considered to be consistent with the objective design guidelines as identified in the Encinitas Municipal Code and N101SP, as applicable.

31-H

Under the State Density Bonus Law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots. As analyzed in Section 3.9, Land Use and Planning, of the EIR, although incentives are requested to increase the maximum allowed building height to 40 feet 6 inches (or 10.5 feet above that allowed within the Coastal Zone) and the maximum number of stories to 3 for one structure proposed with the development, it is not anticipated that such an increase would substantially degrade the scenic quality of any

Height of the Project

- The proposed height of **the project is 6 feet above the local ordinance** and needs to be scaled back. This impacts both privacy of the residents of Seabluffe, but more importantly it also has an impact on the bluffs directly as a taller structure would increase bluff fragility and likelihood of another collapse. Another bluff collapse would certainly result in another lawsuit that could bankrupt the city.

Safety Due to Lack of Evacuation Routes

- Seabluffe Village consists of 50 acres and 255 units and it has only one entrance/exit for the entire complex. This means that **approximately 800 residents have only one evacuation route if there were a fire, tsunami, bluff collapse, or train crash.** This evacuation route is already insufficient because there is no traffic light or stop sign in front of the complex. Currently, residents leaving the complex to make a left turn must speed half way through the intersection and wait in the median to make it to the other side. Multiple accidents have occurred as vehicles from the gas station often barrel out onto the highway. It was already unsafe before the hotel construction and the increased traffic has resulted in more accidents in this area. **Adding over a hundred more units in addition to retail with no provision for traffic and safety would be devastating to residents, visitors, and the fiscal future of the city.**

This development should not proceed until these issues are addressed. I agree that low income housing is important and following the law is important, but indiscriminate building with no thought to the safety of its citizens is a recipe for disaster and financial ruin for Encinitas as they will surely result in more fatalities and lawsuits against the city for approving projects regardless of their impact. It is time to start thinking long term. Rubber stamping every project and **bending to the will of every developer will make the City of Encinitas unsafe and unlivable.**

Thank you,

Lorie Sousa, MA, PhD

31-F

31-G

31-H

coastal resources or the character of the Highway 101 view corridor. As stated, the project is subject to the City's Design Review process to ensure that the architectural style and character of the proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource.

Refer to **Master Response 3, Bluff Stability.** It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

31-G

Comment Summary:

The comment expresses concern over public safety and states that the proposed project would make ingress/egress into Seabluffe Village more dangerous. The commenter also states that the proposed project would negatively impact evacuation out of Seabluffe Village.

Response:

Refer to **Master Response 2, Safety.** As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS),** for more information on the project's traffic conditions.

0.0 Preface

Height of the Project

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Thank you,

Lorie Sousa, MA, PhD

31-F

31-G

31-H

Refer to Response to Comment 31-A, above. The proposed project would not alter any established off-site emergency vehicle routes or otherwise interfere with emergency access. A Traffic Control Plan would also be prepared and implemented to ensure that adequate access and circulation are maintained on surrounding streets during the project construction phase, which includes ingress and egress to Seabluffe Village. Therefore, the project would not result in inadequate emergency access to the project or the surrounding areas. Impacts on evacuation routes would be less than significant.

31-H

Comment Summary:

The commenter expressed opposition to the project and states that the proposed project would result in more accidents and fatalities.

Response:

Refer to **Master Response 2, Safety.**

32 LYNDA BISSELL

From: lynda bissell <lyndabissell@hotmail.com>
Sent: Monday, November 8, 2021 6:27 PM
To: Scott VurbEFF <SVurbEFF@encinitasca.gov>
Subject: Marea Village -- Leucadia

[NOTICE: Caution: External Email]

To all whom are legislating the Marea Village ... I am an owner at SeaBluffe... and have been for 17 years. This project is way out of scope and size for this property... why another hotel? and why so many apartments? Money for the developer and points for the Mayor, who is totally pro development without regard to residents nor environmental concerns. She is running for State office ...this looks good for her and the city.

The most major concern is bluff stability or lack thereof.. We are already in a law suit for the death of 3 people at Grandview... Still wondering why the developer has not been named? If any part of this project is approved, the developers should be with full liability for the developer in perpetuity grading and pounding to construct 124 units with the underground parking... Can this be safe?

Another major issue is the safety for the 255 unit Sea Bluff residents ... How can people enter and exit the property safely? there have already been accidents. There are no provisions for traffic / safety abatement given this overdevelopment.

We are in a drought ... does it make sense for again all of these units w/ visitors?

Then think of the drainage, pollution, emissions, which conflicts w/ the City's Climate plan.

I have written many letters and attended zoom meetings all with no avail. BTW, when are meeting going to an in person venue? I really think this will change the dynamics, and this is most likely as to why the city officials do not want to be face to face with their "constituents". Officials are now able to hind behind the cameras and strictly limit who speaks and how many minutes they may speak. I would like to request in person meetings... members can be masked and show vaccination proof.. Most other places are conducting business in such a way now.

I and my friends and neighbors would appreciate your concern given we are tax paying citizens who live here . Thank you ,
Lynda Bissell

32-A

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32-I

32-A

Comment Summary:

The commenter expresses opposition to the proposed project and states that the project is out of size and scope for the property.

Response:

Refer to Response to Comments 1-B and 3-H, as well as EIR Section 3.1, Aesthetics, of the EIR, which fully evaluates the project relative to applicable plans, policies, and regulations. The project has been designed in conformance with existing zoning regulations, objective design guidelines provided in the N101SP and other objective City design regulations, as applicable, and is subject to City discretionary review and approval to ensure conformance with such requirements.

32-B

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse that results in three deaths.

Response:

Refer to **Master Response 3, Bluff Stability** and Response to Comment 32-C, below. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

32-C

Comment Summary:

The commenter states that the developer has not been named. The commenter also states that the developer should be liable for potential bluff collapse in perpetuity.

0.0 Preface

From: lynda bissell <lyndabissell@hotmail.com>
Sent: Monday, November 8, 2021 6:27 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
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32-A
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Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

32-D

Comment Summary:

The commenter expressed concern for public safety of residents entering and exiting the Seabluffe Village development.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. No further response is required.

32-E

Comment Summary:

The commenter states that there are already traffic accidents on Highway 101 and that the proposed project does not include traffic/safety abatement measures to address these concerns.

From: lynda bissell <lyndabissell@hotmail.com>
Sent: Monday, November 8, 2021 6:27 PM
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32-A

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32-B

32-C

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32-D

32-E

We are in a drought ... does it make sense for again all of these units w/ visitors?

32-F

Then think of the drainage, pollution, emissions, which conflicts w/ the City's Climate plan.

32-G

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32-H

I and my friends and neighbors would appreciate your concern given we are tax paying citizens who live here . Thank you ,
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32-I

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

However, the project would implement mitigation measures to address vehicles miles traveled (VMT). Refer to **Master Response 4, Vehicle Miles Traveled**. To reduce the VMT/capita and VMT/employee associated with the project to a less than significant level, VMT-reducing measures would need to be implemented. As such, TDM strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure TR-1.

CAPCOA, which provides guidance on how to quantify GHG mitigation measures, states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Therefore, since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to

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- 32-B
- 32-C
- 32-D
- 32-E
- 32-F
- 32-G
- 32-H
- 32-I

below a level of significance, it would provide some level of VMT reduction. However, impacts relative to VMT would remain significant and unavoidable.

In assessing the feasibility of mitigation, the City considers both the feasibility and enforceability of such measures. The City has determined that these measures are also not feasible or reasonably expected to reduce VMT and were not considered for the proposed project. As the City has conducted its due diligence on VMT reduction measures for the proposed project and has found no reasonable and feasible measures to reduce VMT impacts to a less than significant level, VMT impacts associated with the proposed project remain significant.

32-F

Comment Summary:

This comment states that California is in a drought and, as such, it does not make sense to construct the project at this time.

Response:

Section 3.14, Utilities and Service Systems, of the EIR provides an analysis of water supplies available to serve the project as proposed. Historical water consumption data for the project site was provided in the *Preliminary Water Supply Summary* prepared by the SDWD; the SDWD also provided a *Project Facility Availability Form (Water)*, indicating that it can adequately provide water service to the project as proposed for the next five years.

According to the SDWD's Urban Water Management Plan (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

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32-A

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32-B

32-C

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32-D

32-E

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32-F

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32-G

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32-H

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32-I

refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority 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. As shown in Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, of the EIR, anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

As indicated in EIR Section 3.14, Utilities and Service Systems, the project would increase existing water demands on-site from an estimated 2,266 gpd to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's UWMP, the overall system of the SDWD is adequately sized to accommodate planned buildout under the city's adopted General Plan. The SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035. The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed is consistent with future development as anticipated by the SDWD and by the City and for the subject site.

The analysis provided in the EIR is therefore considered to be adequate and appropriate in evaluating available water supplies to serve the project. As such, implementation of the proposed project would not

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32-C
32-D
32-E
32-F
32-G
32-H
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exacerbate drought conditions. No change to the EIR is required or proposed.

32-G

Comment Summary:

This comment states that the project's drainage, pollution, and emissions would conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

32-H

Comment Summary:

The commenter asks whether the meeting will be held in person or via electronic meeting. The commenter states that they prefer a face-to-face meeting so citizens can properly voice their opinions.

Response:

The City acknowledges the comments provided regarding public meetings for the hearing of development projects. The City is subject to enforced State-enforced protocols and will continue to follow applicable mandates as to whether hearings are held electronically or in person. However, this comment does not raise an issue relative to CEQA or question the adequacy of the EIR. No further response is warranted.

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32-H

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32-I

32-I

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is necessary.

33 MARK NUELL

From: mark nuell <mnuell@att.net>
Sent: Monday, November 8, 2021 11:44 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea Village Mixed Use Development - Case #MULTI-3780-2020; CDP-3788-2020; BADJ-3787-2020; DR-3786-2020; CPP-3789-2020

[NOTICE: Caution: External Email]

Dear Mr. Verbeff,

My name is Mark Nuell, and I reside at 1721 Kennington Rd, in Encinitas.

As a city resident, I am very concerned about the proposed Marea Village Mixed Use project referenced above.

Already the City of Encinitas is being sued for their alleged part in the bluff collapse north of Grandview stairs, fronting Seabluffe. Certainly there can be no doubt that the physical shaking of the bluff by the heavy construction will contribute further to what damage has already been caused by the building of the Alila Marea hotel. I believe you must understand that the face of the bluff, fragile already and exposed to the natural forces of the ocean and erosion by wind and rain, cannot withstand continued excavation behind it. Approval of the Marea Village Mixed Use project exposes the City of Encinitas to liability for at least negligence when (not if) there is a further bluff collapse, should that injure or kill anyone.

Further, traffic on the 101 from La Costa through Leucadia to Encinitas is already a nightmare of speed bumps and slow bikes, supposed safety measures that are inadequate to the task of managing pedestrian crossings, and totally fail to address the issue of pedestrian invisibility at night. Formerly a frequent bicyclist on the 101, I now ride to and from Encinitas on Neptune, to avoid the traffic. As a driver, I find slowing traffic to the speed of slow beach cruiser bikes by the combination of speed bumps and bike share lanes renders use of the 101 completely impractical southbound from La Costa to Encinitas Blvd. and I avoid it as much as possible. Adding more vehicular traffic (10000 trips a day?) to this part of the 101 without a plan for moving it through the already congested area is ill-advised.

Finally, it seems that the proposed development will increase the number of residences on the north end of the bluff by almost 50% (considering 220 units in Seabluffe). The City must consider that the increase in sewage from these additional residences, increased yet further by the commercial development there, must be handled properly to avoid runoff into the ocean and Batiquitos Lagoon.

For at least these reasons, I hope that the Marea Village Mixed Use Development will not be allowed to proceed.

I thank you for your attention to my concerns and hope you act accordingly.

Sincerely,

Mark Nuell
1721 Kennington Rd
Encinitas, CA

33-A

33-B

33-C

33-D

33-E

33-A

Comment Summary:

The commenter expresses concern for the proposed project.

Response:

The City acknowledges the commenter’s concern for the record. The comment does not raise an environmental concern nor address the adequacy of the EIR.

33-B

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse that results in three deaths. The commenter states that the developer has not been named. The commenter also states that the developer should be liable for potential bluff collapse in perpetuity.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

33-C

Comment Summary:

The commenter is concerned that the proposed project would exacerbate existing traffic and safety conditions in the area. The commenter also expresses concern over the cumulative impacts on traffic and safety from the other proposed projects in the area.

From: mark nuell <mnuell@att.net>
Sent: Monday, November 8, 2021 11:44 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village Mixed Use Development - Case #MULTI-3780-2020; CDP-3788-2020; BADJ-3787-2020; DR-3786-2020; CPP-3789-2020

[NOTICE: Caution: External Email]

Dear Mr. Verbeff,

My name is Mark Nuell, and I reside at 1721 Kennington Rd, in Encinitas.

As a city resident, I am very concerned about the proposed Marea Village Mixed Use project referenced above.

Already the City of Encinitas is being sued for their alleged part in the bluff collapse north of Grandview stairs, fronting Seabluffe. Certainly there can be no doubt that the physical shaking of the bluff by the heavy construction will contribute further to what damage has already been caused by the building of the Alila Marea hotel. I believe you must understand that the face of the bluff, fragile already and exposed to the natural forces of the ocean and erosion by wind and rain, cannot withstand continued excavation behind it. Approval of the Marea Village Mixed Use project exposes the City of Encinitas to liability for at least negligence when (not if) there is a further bluff collapse, should that injure or kill anyone.

Further, traffic on the 101 from La Costa through Leucadia to Encinitas is already a nightmare of speed bumps and slow bikes, supposed safety measures that are inadequate to the task of managing pedestrian crossings, and totally fail to address the issue of pedestrian invisibility at night. Formerly a frequent bicyclist on the 101, I now ride to and from Encinitas on Neptune, to avoid the traffic. As a driver, I find slowing traffic to the speed of slow beach cruiser bikes by the combination of speed bumps and bike share lanes renders use of the 101 completely impractical southbound from La Costa to Encinitas Blvd. and I avoid it as much as possible. Adding more vehicular traffic (10000 trips a day?) to this part of the 101 without a plan for moving it through the already congested area is ill-advised.

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For at least these reasons, I hope that the Marea Village Mixed Use Development will not be allowed to proceed.

I thank you for your attention to my concerns and hope you act accordingly.

Sincerely,

Mark Nuell
1721 Kennington Rd
Encinitas, CA

33-A

33-B

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33-D

33-E

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions.

A cumulative impact analysis was prepared for each section of the EIR. 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

33-D

Comment Summary:

The commenter states that sewage and runoff from the proposed project must be properly addressed to avoid impacts to the Pacific Ocean and Batiquitos Lagoon.

0.0 Preface

From: mark nuell <mnuell@att.net>
Sent: Monday, November 8, 2021 11:44 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
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For at least these reasons, I hope that the Merea Village Mixed Use Development will not be allowed to proceed.

I thank you for your attention to my concerns and hope you act accordingly.

Sincerely,

Mark Nuell
1721 Kennington Rd
Encinitas, CA

33-A

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33-E

Response:

As discussed in Section 3.8, Hydrology and Water Quality, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with State and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site

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Sent: Monday, November 8, 2021 11:44 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
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For at least these reasons, I hope that the Merea Village Mixed Use Development will not be allowed to proceed.

I thank you for your attention to my concerns and hope you act accordingly.

Sincerely,

Mark Nuell
1721 Kennington Rd
Encinitas, CA

33-A

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stormwater drainage patterns (see also Appendix H). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

33-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

34 MARY ANNE PENTON

From: thepentons <thepentons@cox.net>
Sent: Monday, October 25, 2021 11:26 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village Project

[NOTICE: Caution: External Email]

Hi Mr. Vurbell,

I *really like* the architecture of the Marea Village. It's eclectic, warm and friendly.

Comments:

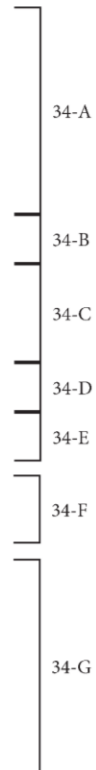
- I cannot find any articles about this project - summary of what they are proposing.
- What is the height of the apartments and hotel? How many stories? Are the apartments along the back at the same height as the neighboring condos?
- I'm concerned about the construction effects on the fragile sandstone environment. Alila Marea has appeared to do a good job taking care of this - I look forward to hearing how you decide what is appropriate for the Marea Village to make sure the surrounding community isn't profoundly affected.
- Water flow? I hope diversion of all water away from the sensitive bluffs will be a plus for this project.
- Public access? Is the developer willing to contribute towards access to this project from across the railroad tracks? Pedestrian bridge?

PLEASE: to offer goodwill to the community, allow Robertos to continue to have a fast food Mexican restaurant somewhere in this project! This will show support to the community.

Thanks for the opportunity to show support and ask further questions.

Thanks!

Mary Anne Penton
 1740 Hygeia Avenue
 Encinitas, CA
 760-845-6254



34-A

Comment Summary:

The commenter states that they like the architecture of the proposed project. The commenter then asks for a summary of the proposed project.

Response:

A summary of the project can be found in Section 2.0, Project Description. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

34-B

Comment Summary:

The commenter asks for the height and number of stories for the proposed buildings.

Response:

The entire project site is considered a Density Bonus site, subject to the requirements of SB 330. Therefore, the project is eligible for certain incentives (e.g., increase in maximum building height and number of stories with approved incentives).

The maximum building height limits identified as part of Proposition A (30 feet in height or 2 stories) are only applicable to Parcel 3 which is zoned N-CRM-1. Proposition A does not apply to maximum height limits on Parcels 1 and 2 which are subject to the R30 Overlay zone in the City's Municipal Code. Per Section 30.16.010B6.a. of the Municipal Code, R30 Overlay zone sites are allowed a total of 3 stories and a maximum height of 35 feet for flat roofs and 39 feet for pitched roofs.

From: thepentons <thepentons@cox.net>
Sent: Monday, October 25, 2021 11:26 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
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Hi Mr. Vurbell,

I really like the architecture of the Marea Village. It's eclectic, warm and friendly.

Comments:

- I cannot find any articles about this project - summary of what they are proposing.
- What is the height of the apartments and hotel? How many stories? Are the apartments along the back at the same height as the neighboring condos?
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Thanks!

Mary Anne Penton
1740 Hygeia Avenue
Encinitas, CA
760-845-6254

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Additionally, requirements under the R30 zone supersede Proposition A; therefore, the project is not inconsistent with such requirements.

Under the State Density Bonus Law, the project is afforded two incentives for each lot by providing 20 percent low-income units on both lots. As analyzed in Section 3.9, Land Use and Planning, of the EIR, although incentives are requested to increase the maximum allowed building height of two buildings to 40 feet 6 inches (or 10.5 feet above that allowed within the Coastal Zone) and the maximum number of stories from 2 to 3 for one structure proposed with the development, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor. Additionally, density bonus provisions are outlined under State Government Code Section 65915; legally, a local initiative cannot supersede State law. Under the allowed Density Bonus Law, the increase in maximum building stories (limited to Building 1 on Parcel 3) and increase in building height requested for Parcel 3 (limited to Buildings 1 and 2) and Parcel 2 (limited to Buildings 4 and 6) is allowed with approval of the requested incentives, and therefore, the project is consistent with the R30 Overlay zone in the Municipal Code.

Refer to Section 3.1, Aesthetics, of the EIR for additional discussion.

34-C

Comment Summary:

The commenter expressed concern on how construction of the project would affect the fragile sandstone environment.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

0.0 Preface

From: thepentons <thepentons@cox.net>
Sent: Monday, October 25, 2021 11:26 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Marea Village Project

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PLEASE: to offer goodwill to the community, allow Robertos to continue to have a fast food Mexican restaurant somewhere in this project! This will show support to the community.

Thanks for the opportunity to show support and ask further questions.

Thanks!

Mary Anne Penton
1740 Hygeia Avenue
Encinitas, CA
760-845-6254



34-D

Comment Summary:

The commenter asks whether water would be diverted away from the sensitive bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate. See Response to Comment 33-D.

34-E

Comment Summary:

The commenter wants to know if the project developer would contribute to a pedestrian bridge across the railroad tracks.

Response:

The comment is noted for the record. A pedestrian railroad crossing is not proposed as part of this project. Any future pedestrian railroad crossing would be independent of the proposed project. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

34-F

Comment Summary:

The commenter states that the proposed project should allow the existing Mexican restaurant on-site to remain somewhere on the property to gain additional support in the community.

From: thepentons <thepentons@cox.net>
Sent: Monday, October 25, 2021 11:26 AM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Subject: Marea Village Project

[NOTICE: Caution: External Email]

Hi Mr. Vurbell,

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1740 Hygeia Avenue
Encinitas, CA
760-845-6254

34-A

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Response:

The comment is noted for the record. CEQA requires an analysis of physical environmental impacts; it does not require analysis of social and economic impacts. Under CEQA, “[a]n economic or social change by itself shall not be considered a significant effect on the environment” (CEQA Guidelines, Sections 15131 and 15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). The project applicant has full discretion on what companies and organizations are leased to on-site as long as these entities match the site’s land use, zoning, and other City regulations. The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

34-G

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

35 MICHELLE TURNBULL

From: Michelle Turnbull <turnbullmich@gmail.com>
Sent: Tuesday, October 26, 2021 12:04 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Fwd: Leucadia Cares call to action: Marea Village proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff
 I am writing to express my deep concerns around the proposed Marea Village project and hope you might take them into consideration when you are making your very important decision on whether to move forward with this development.

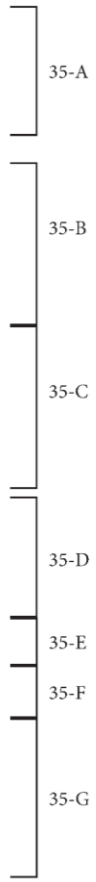
My primary concern is the overwhelming overdevelopment that has been taking place in Leucadia. With the opening of the 130 room Marea Beach Resort Hotel, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned to be built north of La Costa Avenue, I have seen the impact that the hotel alone has had on traffic and I worry that the Marea Village project will bring even more traffic congestion, making it nearly impossible for emergency vehicles to use the 101 as a reliable thoroughfare.

This leads me to my public safety concerns. The congested, (at times stopped) 101 leads commuters to use local neighborhoods as "short cuts." As a resident of Hymettus Blvd, with 2 children who ride bikes to school, I am terrified of the impact that more traffic will have. It has been my experience that when people exit the freeway and use neighborhoods, they tend to still be in the "freeway mentality." Drivers are traveling on side streets at rates of 45+ miles per hour and are extremely aggressive when politely asked to slow down. There is potential for serious injuries to occur with this increase in traffic.

I have other concerns as well, but I don't wish to take up too much of your time. My other concerns are below:

- Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon
- Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment development conflicts with City's Climate Action Plan and CEQA
- Culture of Leucadia eroding- As a long-time resident, I hope that we can hold onto some of the culture of our amazing and unique "slice of heaven!"
- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs. I was witness to the devastation this caused this family and hope that we can do everything possible to keep Leucadia residents and visitors safe.

Best regards,
 Michelle Turnbull
 Leucadia Resident
 858.337.1737



35-A

Comment Summary:

The commenter expresses concern over the proposed project.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

35-B

Comment Summary:

The commenter is concerned over the cumulative impact on traffic from the proposed project and the other projects that have been recently proposed in the area.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

However, the project would implement mitigation measures to address VMT. Refer to **Master Response 4, Vehicle Miles Traveled**. To reduce

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Best regards,
Michelle Turnbull
Leucadia Resident
858.337.1737

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35-G

the VMT/capita and VMT/employee associated with the project to a less than significant level, VMT-reducing measures would need to be implemented. As such, TDM strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure TR-1.

CAPCOA, which provides guidance on how to quantify GHG mitigation measures, states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Therefore, since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to below a level of significance, it would provide some level of VMT reduction. However, impacts relative to VMT would remain significant and unavoidable.

In assessing the feasibility of mitigation, the City considers both the feasibility and enforceability of such measures. The City has determined that these measures are also not feasible or reasonably expected to reduce VMT and were not considered for the proposed project. As the City has conducted its due diligence on VMT reduction measures for the proposed project and has found no reasonable and feasible measures to reduce VMT impacts to a less than significant level, VMT impacts associated with the proposed project remain significant

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of

0.0 Preface

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Sent: Tuesday, October 26, 2021 12:04 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: Fwd: Leucadia Cares call to action: Marea Village proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbefff

I am writing to express my deep concerns around the proposed Marea Village project and hope you might take them into consideration when you are making your very important decision on whether to move forward with this development.

My primary concern is the overwhelming overdevelopment that has been taking place in Leucadia. With the opening of the 130 room Marea Beach Resort Hotel, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned to be built north of La Costa Avenue, I have seen the impact that the hotel alone has had on traffic and I worry that the Marea Village project will bring even more traffic congestion, making it nearly impossible for emergency vehicles to use the 101 as a reliable thoroughfare.

This leads me to my public safety concerns. The congested. (at times stopped) 101 leads commuters to use local neighborhoods as "short cuts." As a resident of Hymettus Blvd, with 2 children who ride bikes to school, I am terrified of the impact that more traffic will have. It has been my experience that when people exit the freeway and use neighborhoods, they tend to still be in the "freeway mentality." Drivers are traveling on side streets at rates of 45+ miles per hour and are extremely aggressive when politely asked to slow down. There is potential for serious injuries to occur with this increase in traffic.

I have other concerns as well, but I don't wish to take up too much of your time. My other concerns are below:

- Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon
- Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment development conflicts with City's Climate Action Plan and CEQA
- Culture of Leucadia eroding- As a long-time resident, I hope that we can hold onto some of the culture of our amazing and unique "slice of heaven!"
- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs. I was witness to the devastation this caused this family and hope that we can do everything possible to keep Leucadia residents and visitors safe.

Best regards,
 Michelle Turnbull
 Leucadia Resident
 858.337.1737



the EIR 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, of the EIR for the location of each project relative to the project site. For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

35-C

Comment Summary:

The commenter is concerned about public safety from the additional traffic, specifically safety of bicyclists and pedestrians.

Response:

A description of the project's pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

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- Inadequate Infrastructure - Inadequate to non-existent drainage on PCH can lead to pollution run off into Pacific Ocean and protected Batiquitos Lagoon
- Pollution- Carbon emissions, runoff, etc. exacerbated by overdevelopment development conflicts with City's Climate Action Plan and CEQA
- Culture of Leucadia eroding- As a long-time resident, I hope that we can hold onto some of the culture of our amazing and unique "slice of heaven!"
- Fragile Coastal Environment - recent bluff collapse and death, current lawsuit. Grading and pounding associated with two stories of subterranean parking for Marea Village will further destabilize fragile bluffs and subterranean parking may block or divert natural underground downhill water flow from I-5 towards the bluffs. I was witness to the devastation this caused this family and hope that we can do everything possible to keep Leucadia residents and visitors safe.

Best regards,
Michelle Turnbull
Leucadia Resident
858.337.1737

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As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

35-D

Comment Summary:

This comment states that there is inadequate drainage on Pacific Coast Highway which can lead to pollution runoff into Pacific Ocean and Batiquitos Lagoon.

Response:

As discussed in Section 3.8, Hydrology and Water Quality, of the EIR, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-

0.0 Preface

From: Michelle Turnbull <turnbullmich@gmail.com>
Sent: Tuesday, October 26, 2021 12:04 PM
To: Scott Vurbef **<**SVurbef@encinitasca.gov**>**
Subject: Fwd: Leucadia Cares call to action: Marea Village proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbef
 I am writing to express my deep concerns around the proposed Marea Village project and hope you might take them into consideration when you are making your very important decision on whether to move forward with this development.

My primary concern is the overwhelming overdevelopment that has been taking place in Leucadia. With the opening of the 130 room Marea Beach Resort Hotel, 48 homes planned on La Costa Ave., 13 room hotel planned on La Costa Avenue, 322 room hotel and 136 townhomes planned to be built north of La Costa Avenue, I have seen the impact that the hotel alone has had on traffic and I worry that the Marea Village project will bring even more traffic congestion, making it nearly impossible for emergency vehicles to use the 101 as a reliable thoroughfare.

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Best regards,
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 Leucadia Resident
 858.337.1737



term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with state and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the

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Sent: Tuesday, October 26, 2021 12:04 PM
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Leucadia Resident
858.337.1737

35-A

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35-G

existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

35-E

Comment Summary:

This comment states that the project's carbon emissions and pollution conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

35-F

Comment Summary:

This comment states that the culture of Leucadia is eroding.

Response:

This comment noted for the record. However, the comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

0.0 Preface

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Sent: Tuesday, October 26, 2021 12:04 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Fwd: Leucadia Cares call to action: Marea Village proposal

[NOTICE: Caution: External Email]

Dear Mr. Vurbeff
 I am writing to express my deep concerns around the proposed Marea Village project and hope you might take them into consideration when you are making your very important decision on whether to move forward with this development.

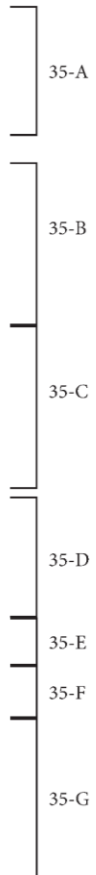
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Best regards,
 Michelle Turnbull
 Leucadia Resident
 858.337.1737



35-G

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

35-H

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

36 NICOLA RANSON

-----Original Message-----

From: Nicola Ranson <nicolabroad18@gmail.com>
Sent: Monday, November 8, 2021 10:40 AM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: Marea Village EIR

[NOTICE: Caution: External Email]

Dear City of Encinitas,

I am a long-time Leucadia resident who lives walking distance to the Alila Marea. While I hate to see any more construction in our crowded corridor, I understand that the Village is a well thought-out project with some possible community benefit. And, most important of all, designed with some concern for aesthetics. Considering the recent legislation which allows for much more density I think that the current project is a very good alternative compared to what might happen if it were refused. I would encourage the developer to enhance any ideas which make it community friendly, such as providing spaces for local retailers and artists at rates that are not exorbitant, and partnering with the City to bring about a pedestrian bridge over the railway.

Thanks for your consideration,

Nicola Ranson

36-A

36-B

36-A

Comment Summary:

The commenter expressed support for the proposed project.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

36-B

Comment Summary:

The commenter states that the developer should make the project more community friendly, such as allowing public art or contributing to a pedestrian bridge over the railway.

Response:

The comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

36-C

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

37 PAMELA FULCHER-RIGGS

From: pam riggs <pamelariggs789@gmail.com>
Sent: Thursday, November 11, 2021 10:31 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Friends of Seabluffe

[NOTICE: Caution: External Email]

I live in Seabluffe next to alila mares and I didn't want them to build at all. It was the only open part of the coastline and since then the fragile cliff is much more insecure and failing.
It seems that it would be the worst thing to add more demolition and cause more problems with more building when the cliff is too frag. PLEASE don't let more development happen because there is huge money involved.
We should consider the environment first and not profit and money. Avery concerned resident of Seabluffe next to alila mares
Pamela Fulcher-Riggs

37-A

37-B

37-C

37-A

Comment Summary:

The commenter voices concern about new developments on the coastline since the bluffs are insecure and failing.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

37-B

Comment Summary:

The commenter expressed opposition to the project and states that the proposed project would destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff**, and Response to Comment 37-A, above. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

From: pam riggs <pamelariggs789@gmail.com>
Sent: Thursday, November 11, 2021 10:31 AM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: Friends of Seabluffe

[NOTICE: Caution: External Email]

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We should consider the environment first and not profit and money. Avery concerned resident of Seabluffe next to alila mares
Pamela Fulcher-Riggs

37-A
37-B
37-C

37-C

Comment Summary:

The commenter states that the City should consider the environment over profit and money.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

38 RICH VERNETTI

From: Rich Verneti <richvernetti@gmail.com>
Sent: Monday, November 8, 2021 11:45 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Concerned About the Marea Resort

[NOTICE: Caution: External Email]

Scott,

As a resident of the Leucadia Seabluffe village, I have concerns I would like to voice regarding other Marea Village Development.

It going to be overwhelming to have so much built up right here next to Seabluffe. How can we fit so many cars and visitors into this narrow corridor?

It's dangerous to pull out of our development into oncoming traffic every day and this will certainly make it worse.

I also think it's a serious risk to drill down and create parking garages as was done for the Marea Beach Resort. That kind of impact on the bluff structure certainly must have helped cause the repeated bluff collapses at Grandview.

Please consider scaling back and postponing the project until further studies can be done.

Sincerely,
Rich Verneti
1737 Aldersgate Rd

38-A

38-B

38-C

38-D

38-E

38-A

Comment Summary:

The commenter voices concern over the proposed project.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

38-B

Comment Summary:

The commenter states that the streets will be overwhelmed with additional vehicles and visitors in the area.

Response:

This comment is noted for the record. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions. No further response is required. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

38-C

Comment Summary:

This comment states that it is dangerous to exit/enter the Seabluffe Village development.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North

From: Rich Verneti <richvernetti@gmail.com>
Sent: Monday, November 8, 2021 11:45 AM
To: Scott Vurbef <SVurbef@encinitasca.gov>
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Scott,

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Please consider scaling back and postponing the project until further studies can be done.

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38-A

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38-E

Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions. No further response is required.

38-D

Comment Summary:

The commenter expresses concern that construction of the project would destabilize the bluffs which may lead to bluff collapse.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

38-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

39 ROBERT AND MARY BARAN

From: **Mary Baran** <marvelizbaran@gmail.com>
 Date: Sat, Nov 6, 2021 at 11:54 AM
 Subject: Proposed Marea Village project
 To: <svurbef@encinitasca.gov>
 Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

Hello Mr. Vurbef,

My husband Robert and I are long time Leucadia residents. We love this town and want to see it grow and change in positive ways benefitting the majority, not a small minority of developers seeking financial gain.

We reviewed the plans for the proposed Marea project and have numerous concerns. This proposed project has substantial negative impacts. Below is a list of some of those concerns:

Bluff instability - The entire length of the bluff through Encinitas is very fragile. Bluff collapses are ongoing and lives have been lost due to these bluff failures. The proposed construction project requires extensive soil excavation, grading and soil compacting which will further stress and destabilize the already fragile bluff. A project of this scope must not be allowed in such close proximity to the bluff.

Inadequate infrastructure - This development has close proximity to the ocean and protected Batiquitos lagoon. Allowing this development increases the likelihood for toxic run-off passing into the Pacific Ocean and coastal wetland and estuary. The ocean and lagoon must be protected. The lagoon is over 600 acres and one of the few remaining tidal wetlands on the southern California coast.

Public Safety - A development this size has a substantial impact on vehicular traffic, pedestrian and bicycle safety. Marea Village has NO provisions for traffic abatement. The additional traffic from this project will result in unsafe vehicular ingress/egress from the SeaBluffe development. La Costa boulevard and 101 are barely handling the current traffic. We have seen more and more vehicular and bicycle accidents as traffic increases along these corridors.

Pollution - Carbon emissions, run-off, noise pollution etc. conflict with the City's Climate Action Plan and CEQA.

Cumulative Overdevelopment - If all the currently proposed projects are approved, nearly 10,000 additional DAILY trips will be added to the roadways. The existing infrastructure simply cannot handle this type of increase. The quality of life of Encinitas residents must be considered. Overdevelopment destroys communities!

Thank you for taking time to review our concerns,
 Robert and Mary Baran

39-A

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39-E

39-F

39-A

Comment Summary:

The commenter voices concern over the proposed project.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

39-B

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

39-C

Comment Summary:

This comment states that there is inadequate drainage on Pacific Coast Highway which can lead to pollution runoff into Pacific Ocean and Batiquitos Lagoon.

From: Mary Baran <maryelizbaran@gmail.com>
Date: Sat, Nov 6, 2021 at 11:54 AM
Subject: Proposed Marea Village project
To: <svurbieff@encinitasca.gov>
Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

Hello Mr. Vurbieff,

My husband Robert and I are long time Leucadia residents. We love this town and want to see it grow and change in positive ways benefitting the majority, not a small minority of developers seeking financial gain.

We reviewed the plans for the proposed Marea project and have numerous concerns. This proposed project has substantial negative impacts. Below is a list of some of those concerns:

Bluff instability - The entire length of the bluff through Encinitas is very fragile. Bluff collapses are ongoing and lives have been lost due to these bluff failures. The proposed construction project requires extensive soil excavation, grading and soil compacting which will further stress and destabilize the already fragile bluff. A project of this scope must not be allowed in such close proximity to the bluff.

Inadequate infrastructure - This development has close proximity to the ocean and protected Batiquitos lagoon. Allowing this development increases the likelihood for toxic run-off passing into the Pacific Ocean and coastal wetland and estuary. The ocean and lagoon must be protected. The lagoon is over 600 acres and one of the few remaining tidal wetlands on the southern California coast.

Public Safety - A development this size has a substantial impact on vehicular traffic, pedestrian and bicycle safety. Marea Village has NO provisions for traffic abatement. The additional traffic from this project will result in unsafe vehicular ingress/egress from the SeaBluffe development. La Costa boulevard and 101 are barely handling the current traffic. We have seen more and more vehicular and bicycle accidents as traffic increases along these corridors.

Pollution - Carbon emissions, run-off, noise pollution etc. conflict with the City's Climate Action Plan and CEQA.

Cumulative Overdevelopment - If all the currently proposed projects are approved, nearly 10,000 additional DAILY trips will be added to the roadways. The existing infrastructure simply cannot handle this type of increase. The quality of life of Encinitas residents must be considered. Overdevelopment destroys communities!

Thank you for taking time to review our concerns,
Robert and Mary Baran

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Response:

As discussed in EIR Section 3.8, Hydrology and Water Quality, the San Diego RWQCB regulates discharges from Phase I MS4s in the San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with state and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site

0.0 Preface

From: Mary Baran <maryelizbaran@gmail.com>
Date: Sat, Nov 6, 2021 at 11:54 AM
Subject: Proposed Marea Village project
To: <svurbEFF@encinitasca.gov>
Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

Hello Mr. VurbEFF,

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We reviewed the plans for the proposed Marea project and have numerous concerns. This proposed project has substantial negative impacts. Below is a list of some of those concerns:

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Inadequate infrastructure - This development has close proximity to the ocean and protected Batiquitos lagoon. Allowing this development increases the likelihood for toxic run-off passing into the Pacific Ocean and coastal wetland and estuary. The ocean and lagoon must be protected. The lagoon is over 600 acres and one of the few remaining tidal wetlands on the southern California coast.

Public Safety - A development this size has a substantial impact on vehicular traffic, pedestrian and bicycle safety. Marea Village has NO provisions for traffic abatement. The additional traffic from this project will result in unsafe vehicular ingress/egress from the SeaBluffe development. La Costa boulevard and 101 are barely handling the current traffic. We have seen more and more vehicular and bicycle accidents as traffic increases along these corridors.

Pollution - Carbon emissions, run-off, noise pollution etc. conflict with the City's Climate Action Plan and CEQA.

Cumulative Overdevelopment - If all the currently proposed projects are approved, nearly 10,000 additional DAILY trips will be added to the roadways. The existing infrastructure simply cannot handle this type of increase. The quality of life of Encinitas residents must be considered. Overdevelopment destroys communities!

Thank you for taking time to review our concerns,
Robert and Mary Baran

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stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

39-D

Comment Summary:

The commenter is concerned that the proposed project would result in an increase in vehicular traffic, which would negatively impact pedestrian and bicycle safety. The commenter is specifically referencing the ingress/egress into the Seabluffe development.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions. No further response is required.

A description of the project's pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. the improvements proposed with the project would implement the goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being

From: **Mary Baran** <maryelizbaran@gmail.com>
Date: Sat, Nov 6, 2021 at 11:54 AM
Subject: Proposed Marea Village project
To: <svurbeff@encinitasca.gov>
Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

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Pollution - Carbon emissions, run-off, noise pollution etc. conflict with the City's Climate Action Plan and CEQA.

Cumulative Overdevelopment - If all the currently proposed projects are approved, nearly 10,000 additional DAILY trips will be added to the roadways. The existing infrastructure simply cannot handle this type of increase. The quality of life of Encinitas residents must be considered. Overdevelopment destroys communities!

Thank you for taking time to review our concerns,
Robert and Mary Baran

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constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection (“pedestrian bridge”) would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit,

0.0 Preface

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 Date: Sat, Nov 6, 2021 at 11:54 AM
 Subject: Proposed Marea Village project
 To: <svurbieff@encinitasca.gov>
 Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

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39-A

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39-B

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39-C

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39-D

Pollution - Carbon emissions, run-off, noise pollution etc. conflict with the City's Climate Action Plan and CEQA.

39-E

Cumulative Overdevelopment - If all the currently proposed projects are approved, nearly 10,000 additional DAILY trips will be added to the roadways. The existing infrastructure simply cannot handle this type of increase. The quality of life of Encinitas residents must be considered. Overdevelopment destroys communities!

39-F

Thank you for taking time to review our concerns,
 Robert and Mary Baran

roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

39-E

Comment Summary:

This comment states that pollution and carbon emissions from the project would conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

39-F

Comment Summary:

The commenter is concerned about the cumulative traffic impact from the cumulative projects that have been recently proposed in the area.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, have been determined to be reasonably foreseeable. The list was developed

From: **Mary Baran** <maryelizbaran@gmail.com>
Date: Sat, Nov 6, 2021 at 11:54 AM
Subject: Proposed Marea Village project
To: <svurbef@encinitasca.gov>
Cc: Bob Baran <bobbaran@gmail.com>, <tralper8@gmail.com>, Elena Thompson <elenathompson@cox.net>

Hello Mr. Vurbef,

My husband Robert and I are long time Leucadia residents. We love this town and want to see it grow and change in positive ways benefitting the majority, not a small minority of developers seeking financial gain.

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Robert and Mary Baran

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in consultation with the City's Planning Department. These projects are considered in the cumulative impact analysis as appropriate. Refer to EIR Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

39-G

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

40 ROBERT C. AND LUDMILA DICKESON

From: robertdickeson1@gmail.com <robertdickeson1@gmail.com>
Sent: Friday, November 5, 2021 1:42 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Comment: Marea Village Mixed Use Development Project

[NOTICE: Caution: External Email]

November 5, 2021

Mr. Scott Vurbef
Development Services Department
City of Encinitas

By email

Dear Mr. Vurbef,

We are adjacent property owners to the above-referenced Project, and have lived here for eighteen years. Generally, we understand the need for and desire of development projects that meet market and City needs and have supported many in the past that promote solid economic development.

The instant project, however, is a notable exception, and we wish to register with you and the City our profound concern about the Marea Village Project and its EIR. Specifically:

- The total project is a prime example of overdevelopment; its combination of uses and the addition of large numbers of people, cars and service entities required to maintain it, would result in a "coastal ghetto" along the 101 corridor. It simply tries to cram as much revenue-generation as possible into a relatively small space without full regard to the resultant deleterious impact. If the Project were to proceed, it should be scaled back by half or more so as to address the genuine concerns expressed about noise, pollution, and conflicts with the City's Climate Action Plan.
- Every adjacent property owner can attest to the current levels of land deterioration, especially when one considers that we are all a part of a coastal bluff that has been slowly but surely collapsing over the decades. We all have settling issues, and it is not unreasonable to assume that the underground parking aspect of the Project alone would damage an already fragile environment. The quest for sufficient parking to justify the overdevelopment cannot and should not outweigh the potential damage to the owner's own property as well as that of the adjacent property.
- The Project's own EIR assessment confirms that the critical issue of transportation impact cannot be mitigated properly. This fact alone should signal to the City that this Project has been a rush to investment returns rather than a well-thought out plan that took into consideration the complexities of appropriate and reasonable growth.

The exercise of your discretion in requiring this Project to make significant, responsible alterations would be greatly appreciated.

Respectfully submitted,

Robert C. and Ludmila W. Dickeson
1837 Haymarket Road
Encinitas

40-A

Comment Summary:

This comment is an introduction to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

40-B

Comment Summary:

This comment states that Highway 101 is overdeveloped. The commenter suggests that the project should be scaled back to address impacts to noise, pollution, and conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

As discussed in Section 3.10, Noise, of the EIR, the project was analyzed for the potential to result in construction noise and/or operational noise impacts using the City's adopted noise thresholds as provided in the City Zoning Ordinance (Chapter 9.32, Noise Abatement and Control,

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From: robertdickeson1@gmail.com <robertdickeson1@gmail.com>
Sent: Friday, November 5, 2021 1:42 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Comment: Marea Village Mixed Use Development Project

[NOTICE: Caution: External Email]

November 5, 2021

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Development Services Department
City of Encinitas

By email

Dear Mr. Vurbeff,

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and Chapter 30.40, Performance Standards), which establishes property line noise level limits.

As stated in the EIR, noise levels in maximum sound levels (L_{max}) identified are the highest individual sound occurring at an individual time period. The L_{max} levels were converted to L_{eq} levels based on the acoustical use factor of each equipment, as L_{eq} levels are more representative of the noise levels averaged over time. Although construction noise may exceed the 75 dBA L_{eq} threshold at any given time, the fraction of use for the types of construction equipment would range from 16 percent to 50 percent over the course of a construction day and in different areas on the property at varying distances from the property boundary; therefore, the rate and duration of individual or cumulative equipment noise in exceedance of the 75 dBA threshold would be variable and intermittent in duration throughout the day. Therefore, project construction activities would not continuously sustain or exceed the 75 dBA over the course of an 8-hour period. Additionally, the applicant would be required to prepare a Construction Noise Control Plan and comply with the City's Noise Ordinance requirements as a condition of project approval. Because the project would be required to demonstrate compliance with the City's Noise Ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8-hour period, the impact of temporary construction noise would be less than significant. This methodology is consistent with accepted City standards.

Similarly, methodologies used to determine project operational noise effects specific to off-site mobile noise, mechanical equipment, parking lots, and outdoor areas are consistent with accepted City standards. Operational noise levels were determined to be below established thresholds and no significant impacts were identified.

0.0 Preface

From: robertdickeson1@gmail.com <robertdickeson1@gmail.com>
Sent: Friday, November 5, 2021 1:42 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Comment: Marea Village Mixed Use Development Project

[NOTICE: Caution: External Email]

November 5, 2021

Mr. Scott Vurbeff
 Development Services Department
 City of Encinitas

By email

Dear Mr. Vurbeff,

We are adjacent property owners to the above-referenced Project, and have lived here for eighteen years. Generally, we understand the need for and desire of development projects that meet market and City needs and have supported many in the past that promote solid economic development.

40-A

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The exercise of your discretion in requiring this Project to make significant, responsible alterations would be greatly appreciated.

40-E

Respectfully submitted,

Robert C. and Ludmila W. Dickeson
 1837 Haymarket Road
 Encinitas

40-C

Comment Summary:

This comment states that the bluffs are deteriorating, and the proposed project would further damage the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

40-D

Comment Summary:

The commenter states that transportation impacts cannot be mitigated. The commenter states that the City needs to develop a long-term plan to resolve traffic issues in the area.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

However, the project would implement mitigation measures to address VMT. Refer to **Master Response 4, Vehicle Miles Traveled**. To reduce

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November 5, 2021

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40-E

the VMT/capita and VMT/employee associated with the project to a less than significant level, VMT-reducing measures would need to be implemented. As such, TDM strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure TR-1.

CAPCOA, which provides guidance on how to quantify GHG mitigation measures, states that the maximum combined allowable VMT reduction is 15 percent for land development projects located within suburban areas. Since the VMT associated with the proposed project ranges from 5.7 percent (VMT/employee) to 31.8 percent (VMT/capita) above 85 percent of the regional mean (see Table 3.12-2, Project VMT Percentage of Regional Mean and Impact Summary, of the EIR), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to below a level of significance, it would provide some level of VMT reduction. However, impacts relative to VMT would remain significant and unavoidable.

In assessing the feasibility of mitigation, the City considers both the feasibility and enforceability of such measures. The City has determined that these measures are also not feasible or reasonably expected to reduce VMT and were not considered for the proposed project. As the City has conducted its due diligence on VMT reduction measures for the proposed project and has found no reasonable and feasible measures to reduce VMT impacts to a less than significant level, VMT impacts associated with the proposed project remain significant.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR have been determined to be reasonably foreseeable. The list

0.0 Preface

From: robertdickeson1@gmail.com <robertdickeson1@gmail.com>
Sent: Friday, November 5, 2021 1:42 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Comment: Marea Village Mixed Use Development Project

[NOTICE: Caution: External Email]

November 5, 2021

Mr. Scott Vurbeff
Development Services Department
City of Encinitas

By email

Dear Mr. Vurbeff,

We are adjacent property owners to the above-referenced Project, and have lived here for eighteen years. Generally, we understand the need for and desire of development projects that meet market and City needs and have supported many in the past that promote solid economic development.

40-A

The instant project, however, is a notable exception, and we wish to register with you and the City our profound concern about the Marea Village Project and its EIR. Specifically:

- The total project is a prime example of overdevelopment; its combination of uses and the addition of large numbers of people, cars and service entities required to maintain it, would result in a "coastal ghetto" along the 101 corridor. It simply tries to cram as much revenue-generation as possible into a relatively small space without full regard to the resultant deleterious impact. If the Project were to proceed, it should be scaled back by half or more so as to address the genuine concerns expressed about noise, pollution, and conflicts with the City's Climate Action Plan.
- Every adjacent property owner can attest to the current levels of land deterioration, especially when one considers that we are all a part of a coastal bluff that has been slowly but surely collapsing over the decades. We all have settling issues, and it is not unreasonable to assume that the underground parking aspect of the Project alone would damage an already fragile environment. The quest for sufficient parking to justify the overdevelopment cannot and should not outweigh the potential damage to the owner's own property as well as that of the adjacent property.
- The Project's own EIR assessment confirms that the critical issue of transportation impact cannot be mitigated properly. This fact alone should signal to the City that this Project has been a rush to investment returns rather than a well-thought out plan that took into consideration the complexities of appropriate and reasonable growth.

40-B

40-C

40-D

The exercise of your discretion in requiring this Project to make significant, responsible alterations would be greatly appreciated.

40-E

Respectfully submitted,

Robert C. and Ludmila W. Dickeson
1837 Haymarket Road
Encinitas

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, of the EIR for the location of each project relative to the project site. For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

40-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

41 RUTH UTTI

From: Ruth Utti <ruth@tennisutti.com>
Sent: Monday, November 8, 2021 1:50 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Cc: Kathy Hollywood <khollywood@encinitasca.gov>
Subject: Marea Village EIR

[NOTICE: Caution: External Email]

To Whom It May Concern:

Please take note that I am OPPOSED to this project that will adversely impact my quality of life, traffic control of Highway 101 at La Costa Avenue and add to the sprawling upscale and uncalled for development of the community which I have lived in for 40 years called "Laid Back Leucadia".

Add this to the traffic clogs that will be caused by the narrowing of Highway 101 for the supposed upgrade called Streetscape Leucadia.

I am for allowing well thought out development of our little town but 3 storied buildings is over development, clutter, greed and not in the best interests of our community.

Vote NO to Marea Village.

Thank you for your time and consideration,

Ruth Utti

Resident since 1980
1718 Eucalyptus Ave
Encinitas

41-A

41-B

41-C

41-D

41-E

41-A

Comment Summary:

The commenter states that they are opposed to the proposed project based on concerns about quality of life, traffic, and urban sprawl.

Response:

The comment is noted for the record. This comment represents the opinion of the commenter. A person's quality of life is subjective and is not necessarily addressed in CEQA. However, factors such as aesthetics and land use may indirectly address concerns by the commenter. Table ES-1, Environmental Impact Summary, of the EIR, identifies the potential environmental impacts resulting with the proposed project mitigation measures to reduce such impacts to less than significant, or to the extent feasible.

Based on the analysis in this EIR, all project impacts are considered less than significant except for transportation impacts related to VMT that cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable; refer to EIR Section 3.12, Transportation, for additional details.

Contrary to the commenter's assertion that the project would contribute to urban sprawl, the project is located on an infill site surrounded by development and services, so the project is the opposite of urban sprawl. The project would contain a mix of uses on-site; include project design features to enhance sustainability; provide for a variety of housing types including low-income affordable housing; and is consistent with City's General Plan, Municipal Code, HEU, Local Coastal Program, Zoning, N101SP, CAP, and SANDAG's The Regional

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41-A

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41-B

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41-C

Vote NO to Marea Village.

41-D

Thank you for your time and consideration,

41-E

Ruth Utti

Resident since 1980
1718 Eucalyptus Ave
Encinitas

Plan. Therefore, the proposed project would not contribute to urban sprawl.

41-B

Comment Summary:

The commenter states that the proposed project would exacerbate traffic impacts that the commenter assumes will come from the Streetscape Leucadia project.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS), and Master Response 2, Safety**. It is not anticipated that the addition of project-generated traffic on local roadways would increase the potential for accidents to occur. The commenter does not provide substantiated evidence as to the opinion expressed. Additionally, the North Highway 101 Corridor Streetscape Improvement Project is intended to improve circulation and safety along the Highway 101 corridor through improvements that would include traffic calming, pedestrian and bicycle circulation improvements, reduced traffic speeds, and other such elements that are anticipated to enhance traffic flows and public safety overall, not exacerbate any existing conditions. The proposed project has been designed with consideration for such improvements and would not result in conflict with any such improvements.

41-C

Comment Summary:

The commenter states that the proposed project is too large.

Response:

As described in Section 2.0, Project Description, Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated

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41-E

a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations. Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per net acre. No change to the existing General Plan land use or zoning designations is required to allow for the project as proposed. The proposed 94 residential units meet the allotted minimum unit count as identified in the HEU and allowed by the existing zoning.

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 meets the City's Municipal Code requirement of 25 du/acre and is therefore eligible for R30 Overlay zone development standards. The project proposes to provide 20% of the 194 residential units (or 19 units) as "low income" affordable residential units (affordable to households earning no more than 80 percent of the area median income) and qualifies as a Density Bonus Project under SB 330. Refer also to EIR Table 2.0-3, Summary of Proposed Units, for additional project information.

Contrary to the commenter's assertion, the project is located on an infill site surrounded by development and services with the capacity to serve the project as currently sized. The project would contain a mix of uses on-site; include project design features to enhance sustainability; provide for a variety of housing types including low-income affordable housing; and is consistent with City's General Plan, HEU, Local Coastal

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41-A

41-B

41-C

41-D

41-E

Program, Municipal Code, N101SP, Climate Action Plan, and SANDAG's The Regional Plan. The commenter does not provide substantial evidence to support the claim that the project as proposed is too large for the site. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

41-D

Comment Summary:

The commenter expressed opposition to the proposed project.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

41-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

42 SALLY BLAND-BOICE

From: Sally Bland-Boice <blandboice@gmail.com>
Sent: Wednesday, October 20, 2021 4:34 PM
To: Scott Vurbef <SVurbef@encinitasca.gov>
Subject: Impact of Marea Village

[NOTICE: Caution: External Email]

I am writing with deep concern about the proposed development of the Marea Village.

As you are aware, there is already a new high impact hotel up and running, along with several more developments in the works nearby.

The traffic has already increased due to the hotel and the safety issues will only be exacerbated by further development. Pedestrian crossings and safe bicycle lanes are already inadequate. The entrance/exit to SeaBluffe Village is already dangerous, and will only be made worse by the increased traffic. Numerous accidents have occurred in this area, and further development would be a negligent endeavor.

Environmentally, there will be more drainage from the Coast Hwy, leading to pollution runoff into the protected Batiquitos Lagoon and the Pacific Ocean. Carbon emissions from overdevelopment are in conflict with the city's Climate Action Plan and CEQA.

The fragility of the bluff is of huge concern. Bluff instability already occurs frequently and the bluff collapses, as you know, have sadly resulted in tragic deaths. How many more people have to die before these concerns are heard? The pending lawsuit should also be noted. The impact of the grading and pounding to provide subterranean parking for Marea Village will further destabilize the bluff and possibly block downhill water flow from the I-5 towards the bluffs.

Along with the public safety and environmental concerns, the culture of Leucadia will erode. It's a lovely community that I have had the opportunity to enjoy for the last 45 years--I sincerely hope it is not lost in the development and economic pursuits of outside interests.

Please listen to the honest and valid concerns of the Leucadia community.

Sincerely,
Sally Bland-Boice
blandboice@gmail.com

42-A
42-B
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42-D
42-E
42-F

42-A

Comment Summary:

The commenter voices concern for the proposed project based on cumulative impacts from the other proposed projects in the area.

Response:

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

42-B

Comment Summary:

This comment states that the proposed project would exacerbate traffic and safety issues. The commenter states that pedestrian crossings and bicycle lanes are currently inadequate. In addition, the commenter states that the entrance/exit to Seabluffe Village is already dangerous and that the proposed project would make it worse.

Response:

Refer to **Master Response 24, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound

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North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day.

Refer also to **Master Response 2, Safety**, regarding crosswalks and pedestrian safety, and ingress/egress from the Seabluffe community; however, such comments do not address an issue in the EIR relative to CEQA, nor do they question the adequacy of the EIR. It should be noted that the City is currently implementing the North Highway 101 Streetscape Improvement Project, which will result in enhancements for pedestrians and bicyclists along the length of the corridor while also improving safety for such modes of travel.

Additionally, as indicated in Section 2.0, Project Description, of the EIR, the improvements proposed with the project would implement the goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance

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mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As part of the proposed project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

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42-C

Comment Summary:

This comment states that the project's drainage, pollution, and emissions would conflict with the City's CAP.

Response:

Refer to **Master Response 5, City of Encinitas Climate Action Plan**, and **Master Response 6, Air Quality**. The commenter does not provide evidence or cite specific reasons to support the claim that the project's carbon emissions and pollution (air quality impacts) conflict with the City's CAP. All analyses in the EIR were properly conducted and, therefore, revisions and/or recirculation are not warranted. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

The project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). The project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

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42-D
42-E
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Additionally, the City has evaluated the potential effects of sea level rise and climate change in its CAP. In addressing such effects, the CAP identifies specific strategies to reduce the potential for coastal erosion and predicted sea level rise (Section 5.3.5). The CAP identifies Strategy 4 which states the goal of continuing current City efforts focused on beach nourishment, coastal bluff improvements, and wetland restoration, prioritizing projects that will mitigate the impacts sea level rise including coastal erosion and saltwater inundation. As such, the City implements its Sand Compatibility and Opportunistic Use Program (SCOUP) which identifies construction projects that may export sandy beach material and then haul the material to the beach at Moonlight, Cardiff, Leucadia, or Ponto State Beach. The City works with developers to conduct monitoring and permitting and share the cost for hauling the material to the beach. As discussed in Section 2.0, Project Description, of the EIR, the project applicant would participate in this program, exporting an estimated 48,400 cubic yards of soil to area beaches, as appropriate at the time of project construction. Such efforts would be consistent with the goals of the CAP and would contribute to the City's efforts to address and minimize the potential adverse effects of climate change and sea level rise.

42-D

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs. The commenter also states that the project may divert water towards the bluffs, which may further destabilize the bluffs.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site.

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The traffic has already increased due to the hotel and the safety issues will only be exacerbated by further development. Pedestrian crossings and safe bicycle lanes are already inadequate. The entrance/exit to SeaBluffe Village is already dangerous, and will only be made worse by the increased traffic. Numerous accidents have occurred in this area, and further development would be a negligent endeavor.

Environmentally, there will be more drainage from the Coast Hwy, leading to pollution runoff into the protected Batiquitos Lagoon and the Pacific Ocean. Carbon emissions from overdevelopment are in conflict with the city's Climate Action Plan and CEQA.

The fragility of the bluff is of huge concern. Bluff instability already occurs frequently and the bluff collapses, as you know, have sadly resulted in tragic deaths. How many more people have to die before these concerns are heard? The pending lawsuit should also be noted. The impact of the grading and pounding to provide subterranean parking for Marea Village will further destabilize the bluff and possibly block downhill water flow from the I-5 towards the bluffs.

Along with the public safety and environmental concerns, the culture of Leucadia will erode. It's a lovely community that I have had the opportunity to enjoy for the last 45 years--I sincerely hope it is not lost in the development and economic pursuits of outside interests.

Please listen to the honest and valid concerns of the Leucadia community.

Sincerely,
Sally Bland-Boice
blandboice@gmail.com

42-A
42-B
42-C
42-D
42-E
42-F

The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

42-E

Comment Summary:

This comment states that the proposed project will erode the culture of Leucadia.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

42-F

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

43 SHARON CRYSTAL

-----Original Message-----

From: Sharon Crystal <smcrystal2@gmail.com>
Sent: Wednesday, November 3, 2021 5:52 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

I am a resident in Sea Bluff and am worried about the additional traffic. It is next to impossible for us to exit our complex and make a left hand tun onto 101.

The extra wear on the Bluff after the last few collapses is probably my biggest worry.

I have always loved the nostalgic "funky" feel of Leucadia and see this as one more step away from our wonderful little beach town.

My main concern is the large number of people, both residents and visitors, and the impact they will have on our neighborhood, beaches, and traffic.

Thank you! Sharon Crystal
1740 Tattenham Rd.

] 43-A
] 43-B
] 43-C
] 43-D

43-A

Comment Summary:

The commenter expresses concern about potential traffic impacts from the proposed project as it is already dangerous to enter and exit the Seabluffe Village development.

Response:

Refer to **Master Response 2, Safety**. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions. No further response is required.

43-B

Comment Summary:

The commenter expresses concern that the proposed project would destabilize the bluffs that have recently experienced collapses.

Response:

Refer to **Master Response 3, Bluff Stability**. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site.

0.0 Preface

-----Original Message-----

From: Sharon Crystal <smcrystal2@gmail.com>
Sent: Wednesday, November 3, 2021 5:52 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

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The extra wear on the Bluff after the last few collapses is probably my biggest worry.

I have always loved the nostalgic "funky" feel of Leucadia and see this as one more step away from our wonderful little beach town.

My main concern is the large number of people, both residents and visitors, and the impact they will have on our neighborhood, beaches, and traffic.

Thank you! Sharon Crystal
1740 Tattenham Rd.

- 43-A
- 43-B
- 43-C
- 43-D

43-C

Comment Summary:

The commenter states that they love the current 'funky' feel of Leucadia.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

43-D

Comment Summary:

The commenter expresses concern that the project would result in impacts to the neighborhood, beaches, and traffic.

Response:

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

Based on the analysis in this EIR, all project impacts are considered less than significant except for transportation impacts related to VMT that cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable; refer to Section 3.12, Transportation, for additional details.

Contrary to the commenter's assertion, the project is consistent with City's General Plan, Local Coastal Program, N101SP, Municipal Code, HEU, CAP, and SANDAG's The Regional Plan. As stated in Section 3.9, Land Use and Planning, the project would not result in the physical division of the Leucadia community. No physical elements are proposed that would obstruct or interrupt access or create barriers between existing or proposed land uses.

-----Original Message-----
From: Sharon Crystal <smcrystal2@gmail.com>
Sent: Wednesday, November 3, 2021 5:52 PM
To: Scott Vurbuff <SVurbuff@encinitasca.gov>
Subject: Marea Village

[NOTICE: Caution: External Email]

I am a resident in Sea Bluff and am worried about the additional traffic. It is next to impossible for us to exit our complex and make a left hand tun onto 101.

The extra wear on the Bluff after the last few collapses is probably my biggest worry. _____
I have always loved the nostalgic "funky" feel of Leucadia and see this as one more step away from our wonderful little beach town.

My main concern is the large number of people, both residents and visitors, and the impact they will have on our neighborhood, beaches, and traffic.

Thank you! Sharon Crystal
1740 Tattenham Rd.

} 43-A
} 43-B
} 43-C
} 43-D

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

43-E

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

44 STEVE AND MEG NORTON

From: Anna Colamussi
Sent: Monday, November 8, 2021 7:46 AM
To: Nortons
Cc: Patty Anders
Subject: RE: Proposed Marea Village development

Thank you for your comments regarding the Marea Village project. They have been received and will be considered and made part of the record.

Anna Colamussi

From: Nortons <nortsurf4@yahoo.com>
Sent: Sunday, November 7, 2021 4:38 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed Marea Village development

[NOTICE: Caution: External Email]

Hi Scott,

As long-term homeowners in a small cul-de-sac off of La Costa Ave. (LCA) between Sheridan and Vulcan, my wife and I have written to you and other City officials for many years regarding traffic and pedestrian issues along this segment of almost entirely residential LCA.

We now again want to share our same concerns in the context of the subject proposal, especially in light of the significant increase in traffic along the short stretch of LCA from the I-5 to the 101 due to, among other things, the 3-way stop sign at Vulcan and the now-open Alila Marea Hotel and its corresponding guest and employee cars. You've certainly heard of and/or seen the huge traffic backups that now occur on almost a daily basis, especially in the late afternoon.

As with the recent Council approval of the 72-unit apartment complex at LCA and Vulcan, the proposed 46 single family homes near the Chevron station, the envisioned adjoining boutique hotel, and the inevitable development of Surfers' Point, the proposed multi-faceted Marea Village will only further exacerbate the major and unsafe traffic levels along this very narrow stretch of LCA.

We and many of our neighbors successfully fought for and won changes to our segment of LCA, specifically, the reduction in the posted speed, the narrowing of the car lanes to accommodate dedicated and painted east/west bike lanes and an unsafe (i.e. NOT off-road) pedestrian walking strip. More recently, there's been the installation of the three-way stop at LCA and Vulcan and the two electronic speed monitoring devices. In all these cases, we are very grateful to the City for all that's been done!

However, as daily walkers to Ponto Beach (along with many of our fellow residents), we believe the new, pending and proposed developments present an ever more important challenge for the City -- how can you continue to approve all these developments without better controlling the unsafe speeds along this tiny stretch of LCA **and** without installing an off-road, elevated sidewalk on the south side of LCA?

44-A

44-A

Comment Summary:

This comment is introductory and confirms City receipt of comments submitted by the author.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

44-B

Comment Summary:

This comment provides an introduction to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

44-C

Comment Summary:

The commenter expresses concerns about the proposed project based on an increase in traffic along the short stretch of La Costa Avenue from I-5 to Highway 101. The commenter is concerned that the project combined with the three-way stop sign at Vulcan and the Alila Marea Hotel would further increase traffic in the area.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in

44-B

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From: Anna Colamussi
Sent: Monday, November 8, 2021 7:46 AM
To: Nortons
Cc: Patty Anders
Subject: RE: Proposed Marea Village development

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Anna Colamussi

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Subject: Proposed Marea Village development

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We now again want to share our same concerns in the context of the subject proposal, especially in light of the significant increase in traffic along the short stretch of LCA from the I-5 to the 101 due to, among other things, the 3-way stop sign at Vulcan and the now-open Alila Marea Hotel and its corresponding guest and employee cars. You've certainly heard of and/or seen the huge traffic backups that now occur on almost a daily basis, especially in the late afternoon.

As with the recent Council approval of the 72-unit apartment complex at LCA and Vulcan, the proposed 46 single family homes near the Chevron station, the envisioned adjoining boutique hotel, and the inevitable development of Surfers' Point, the proposed multi-faceted Marea Village will only further exacerbate the major and unsafe traffic levels along this very narrow stretch of LCA.

We and many of our neighbors successfully fought for and won changes to our segment of LCA, specifically, the reduction in the posted speed, the narrowing of the car lanes to accommodate dedicated and painted east/west bike lanes and an unsafe (i.e. NOT off-road) pedestrian walking strip. More recently, there's been the installation of the three-way stop at LCA and Vulcan and the two electronic speed monitoring devices. In all these cases, we are very grateful to the City for all that's been done!

However, as daily walkers to Ponto Beach (along with many of our fellow residents), we believe the new, pending and proposed developments present an ever more important challenge for the City -- how can you continue to approve all these developments without better controlling the unsafe speeds along this tiny stretch of LCA **and** without installing an off-road, elevated sidewalk on the south side of LCA?

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the EIR and the EIR did not conclude that there would be a significant impact to the La Costa Avenue and Highway 101 intersection. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

A cumulative impact analysis was prepared for each section of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, of the EIR 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, of the EIR for the location of each project relative to the project site. For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

44-D

Comment Summary:

The comment mentions a recently approved project in the area and states that the proposed project would result in cumulative traffic and safety impacts when considered with the other approved projects.

Response:

Refer to **Master Response 2, Safety**. See Response to Comment 44-C above relative to cumulative traffic and safety.

Additionally, as indicated in Section 2.0, Project Description, of the EIR, the improvements proposed with the project would implement the

0.0 Preface

From: Anna Colamussi
Sent: Monday, November 8, 2021 7:46 AM
To: Nortons
Cc: Patty Anders
Subject: RE: Proposed Marea Village development

Thank you for your comments regarding the Marea Village project. They have been received and will be considered and made part of the record.

Anna Colamussi

From: Nortons <nortsurf4@yahoo.com>
Sent: Sunday, November 7, 2021 4:38 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Proposed Marea Village development

[NOTICE: Caution: External Email]

Hi Scott,

As long-term homeowners in a small cul-de-sac off of La Costa Ave. (LCA) between Sheridan and Vulcan, my wife and I have written to you and other City officials for many years regarding traffic and pedestrian issues along this segment of almost entirely residential LCA.

We now again want to share our same concerns in the context of the subject proposal, especially in light of the significant increase in traffic along the short stretch of LCA from the I-5 to the 101 due to, among other things, the 3-way stop sign at Vulcan and the now-open Alila Marea Hotel and its corresponding guest and employee cars. You've certainly heard of and/or seen the huge traffic backups that now occur on almost a daily basis, especially in the late afternoon.

As with the recent Council approval of the 72-unit apartment complex at LCA and Vulcan, the proposed 46 single family homes near the Chevron station, the envisioned adjoining boutique hotel, and the inevitable development of Surfers' Point, the proposed multi-faceted Marea Village will only further exacerbate the major and unsafe traffic levels along this very narrow stretch of LCA.

We and many of our neighbors successfully fought for and won changes to our segment of LCA, specifically, the reduction in the posted speed, the narrowing of the car lanes to accommodate dedicated and painted east/west bike lanes and an unsafe (i.e. NOT off-road) pedestrian walking strip. More recently, there's been the installation of the three-way stop at LCA and Vulcan and the two electronic speed monitoring devices. In all these cases, we are very grateful to the City for all that's been done!

However, as daily walkers to Ponto Beach (along with many of our fellow residents), we believe the new, pending and proposed developments present an ever more important challenge for the City -- how can you continue to approve all these developments without better controlling the unsafe speeds along this tiny stretch of LCA **and** without installing an off-road, elevated sidewalk on the south side of LCA?

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goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

44-E

Comment Summary:

This comment states that the community has won past changes to La Costa Avenue that reduced posted speeds and increased bike lanes.

Response:

The comment does not raise an environmental concern relative to the proposed project nor address the adequacy of the EIR.

44-F

Comment Summary:

This comment states that the community supported the three-way stop sign at La Costa Avenue and Vulcan Avenue.

From: Anna Colamussi
Sent: Monday, November 8, 2021 7:46 AM
To: Nortons
Cc: Patty Anders
Subject: RE: Proposed Marea Village development

Thank you for your comments regarding the Marea Village project. They have been received and will be considered and made part of the record.

Anna Colamussi

From: Nortons <nortsurf4@yahoo.com>
Sent: Sunday, November 7, 2021 4:38 PM
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Subject: Proposed Marea Village development

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Hi Scott,

As long-term homeowners in a small cul-de-sac off of La Costa Ave. (LCA) between Sheridan and Vulcan, my wife and I have written to you and other City officials for many years regarding traffic and pedestrian issues along this segment of almost entirely residential LCA.

We now again want to share our same concerns in the context of the subject proposal, especially in light of the significant increase in traffic along the short stretch of LCA from the I-5 to the 101 due to, among other things, the 3-way stop sign at Vulcan and the now-open Alila Marea Hotel and its corresponding guest and employee cars. You've certainly heard of and/or seen the huge traffic backups that now occur on almost a daily basis, especially in the late afternoon.

As with the recent Council approval of the 72-unit apartment complex at LCA and Vulcan, the proposed 46 single family homes near the Chevron station, the envisioned adjoining boutique hotel, and the inevitable development of Surfers' Point, the proposed multi-faceted Marea Village will only further exacerbate the major and unsafe traffic levels along this very narrow stretch of LCA.

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However, as daily walkers to Ponto Beach (along with many of our fellow residents), we believe the new, pending and proposed developments present an ever more important challenge for the City -- how can you continue to approve all these developments without better controlling the unsafe speeds along this tiny stretch of LCA **and** without installing an off-road, elevated sidewalk on the south side of LCA?

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44-G

Response:

The comment does not raise an environmental concern relative to the proposed project nor address the adequacy of the EIR.

44-G

Comment Summary:

The commenter states that the City should not approve more development without addressing unsafe speeds along La Costa Avenue and without installing an off-road elevated sidewalk.

Response:

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

A description of the project's pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. The North Coast Highway 101 Streetscape Improvement Project is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include, but are not limited to, increasing pedestrian and bicyclist mobility and safety (i.e., enhanced sidewalks, new crosswalks, and widened bike lanes); decreasing traffic speeds to 30 miles per hour; providing street beautification measures with enhanced pavement

0.0 Preface

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Sent: Monday, November 8, 2021 7:46 AM
To: Nortons
Cc: Patty Anders
Subject: RE: Proposed Marea Village development

Thank you for your comments regarding the Marea Village project. They have been received and will be considered and made part of the record.

Anna Colamussi

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Subject: Proposed Marea Village development

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Hi Scott,

As long-term homeowners in a small cul-de-sac off of La Costa Ave. (LCA) between Sheridan and Vulcan, my wife and I have written to you and other City officials for many years regarding traffic and pedestrian issues along this segment of almost entirely residential LCA.

We now again want to share our same concerns in the context of the subject proposal, especially in light of the significant increase in traffic along the short stretch of LCA from the I-5 to the 101 due to, among other things, the 3-way stop sign at Vulcan and the now-open Alila Marea Hotel and its corresponding guest and employee cars. You've certainly heard of and/or seen the huge traffic backups that now occur on almost a daily basis, especially in the late afternoon.

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We and many of our neighbors successfully fought for and won changes to our segment of LCA, specifically, the reduction in the posted speed, the narrowing of the car lanes to accommodate dedicated and painted east/west bike lanes and an unsafe (i.e. NOT off-road) pedestrian walking strip. More recently, there's been the installation of the three-way stop at LCA and Vulcan and the two electronic speed monitoring devices. In all these cases, we are very grateful to the City for all that's been done!

However, as daily walkers to Ponto Beach (along with many of our fellow residents), we believe the new, pending and proposed developments present an ever more important challenge for the City -- how can you continue to approve all these developments without better controlling the unsafe speeds along this tiny stretch of LCA **and** without installing an off-road, elevated sidewalk on the south side of LCA?

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44-G

treatments and street furniture; constructing appropriate traffic controls and traffic-calming measures, such as roundabouts; implementing road diet measures by decreasing travel lane number/width; and providing measures to improve vehicular, bike, and pedestrian safety at side street intersections.

As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant. No further response is required.

With that in mind, we are not even going to address any issues we might have with respect to the actual proposed Marea Village development (we'll leave that to our other neighbors). Rather, we want you and the City's decision-makers to consider an obligatory financial partnership between the City and all the recent, pending and future developers to install traffic calming devices ("tables" or other such) AND a sidewalk from the I-5 to the 101. To the best of our knowledge, there's more than adequate right-of-way space to construct such a sidewalk.

And, you ask, what is the sales pitch to the developers? Well, for the Alila Marea Hotel and the Marea Village complex (and all its retail stores), they will get increased pedestrian traffic and sales while the other apartment and housing developers have a great sales pitch to their prospective renters and buyers as the Hotel, Village and other Leucadia Streetscape businesses will be "within an easy and safe walking distance"! In light of the overall cost of these various developments, the developers' contributions to such improvements along this small stretch of LCA are, as many would say, absolute "peanuts."

Thank you for reading this suggestion and passing it on to others within the City for consideration. Significant improvements are needed to remedy the very unsafe conditions along LCA for both drivers and especially pedestrians. We literally feel we're risking our lives, particularly walking east, so now one of us walks backwards to see speeding vehicles (easily 45+ mph), some of which drift into the bicycle lane and us!

Sincerely,

Steve and Meg Norton
283 La Costa Ave.

44-H

44-I

44-J

44-K

44-H

Comment Summary:

The commenter expresses opposition to the proposed project.

Response:

This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

44-I

Comment Summary:

The commenter states that the City should partner with the recent developments to install traffic-calming devices and a sidewalk from I-5 to Highway 101.

Response:

This comment is noted for the record. The comment does not raise an environmental concern relative to the project, nor address the adequacy of the EIR. No further response is required.

44-J

Comment Summary:

This comment states that developers would gain economic benefits from contributing to the measures described in Comment 44-I.

Response:

See Response to Comment 44-I above. The EIR does not address economic issues or comment on motivations of the project proponents. This comment is noted for the record. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

0.0 Preface

With that in mind, we are not even going to address any issues we might have with respect to the actual proposed Marea Village development (we'll leave that to our other neighbors). Rather, we want you and the City's decision-makers to consider an obligatory financial partnership between the City and all the recent, pending and future developers to install traffic calming devices ("tables" or other such) AND a sidewalk from the I-5 to the 101. To the best of our knowledge, there's more than adequate right-of-way space to construct such a sidewalk.

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Thank you for reading this suggestion and passing it on to others within the City for consideration. Significant improvements are needed to remedy the very unsafe conditions along LCA for both drivers and especially pedestrians. We literally feel we're risking our lives, particularly walking east, so now one of us walks backwards to see speeding vehicles (easily 45+ mph), some of which drift into the bicycle lane and us!

Sincerely,

Steve and Meg Norton
283 La Costa Ave.

44-H

44-I

44-J

44-K

44-K

Comment Summary:

This comment reiterates the traffic concerns made previously in the comment letter and provides a conclusion to the letter.

Response:

See Responses to Comments 44-B to 44-J, above. The comment does not raise any environmental concerns nor address the adequacy of the EIR.

45 TOM ALPER

From: Tom Alper <tralper8@gmail.com>
Date: October 25, 2021 at 5:24:40 PM PDT
To: Scott Vurbefff <SVurbefff@encinitasca.gov>
Cc: "Cort@Coastal Hitchens" <cort.hitchens@coastal.ca.gov>
Subject: Marea Village Mixed Use Development - EIR
Dear Scott,

I'm responding to the draft EIR submitted by the developers of the proposed Marea Village project that would be located just south of La Costa Avenue at 1900 and 1950 North Coast Highway 101 prior to the 11/8/21 public comment deadline. Allowing the Marea Village project would be a serious mistake and should be stopped for the following reasons:

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45-A

Comment Summary:

The commenter expresses concerns about the proposed project due to overdevelopment in the area. The comment then lists the recently constructed or proposed cumulative projects.

Response:

This comment is noted for the record. This comment represents the opinion of the commenter and does not raise any environmental concerns nor address the adequacy of the EIR.

A cumulative impact analysis was prepared for each section of the EIR. 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 EIR Figure 3.0-1, Cumulative Projects Map, for the location of each project relative to the project site.

For more information on specific cumulative impacts, please see the appropriate section of the EIR. Given that the comment is general, a general response is all that is required. Therefore, no further response is required or needed.

45-B

Comment Summary:

This comment states that infrastructure is inadequate which leads to unsafe conditions for pedestrians, motorists, and cyclists. The comment states that the traffic study was conducted during the COVID-

0.0 Preface

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19 lockdown period when traffic was lighter than normal. The commenter suggests that the size of the project should be reduced to avoid traffic conditions.

Response:

A description of the project's pedestrian improvements is provided in Section 3.12, Transportation, of the EIR. Additionally, as indicated in Section 2.0, Project Description, of the EIR, the improvements proposed with the project would implement the goals and objectives of the City's North Coast Highway 101 Streetscape Improvement. The North Coast Highway 101 Streetscape Improvement Project is currently being constructed and is intended to enhance the Highway 101 corridor both visually and in terms of safety and design. The Streetscape Project proposes a variety of improvements along the approximately 2.5-mile corridor between La Costa Avenue (north end) and A Street (south end) which include reducing the number of southbound travel lanes to accommodate a dedicated bike lane; increasing pedestrian mobility and safety (i.e., enhanced sidewalks, new crosswalks); reducing travel speeds to 30 miles per hour; and constructing appropriate traffic controls and traffic-calming measures, such as roundabouts, among other improvements, to better balance mobility between motorists, pedestrians, and bicyclists. The proposed project has been designed with consideration for such planned improvements to ensure that potential design conflicts or effects on public safety are reduced.

As part of the project, a sidewalk would be constructed/reconstructed along the project frontage to provide multiple pedestrian access points to the project and connection to other area sidewalks (i.e., along northbound Highway 101 and La Costa Avenue), as well as to other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection ("pedestrian bridge") would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian

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facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited. Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation. The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be less than significant.

A Local Transportation Analysis was prepared for the project (LOS Engineering, Inc., 2022; refer to EIR Appendix L-2). The commenter expresses concerns about the timing of the traffic counts conducted for the LOS study. Intersection counts were collected between 7:00 AM to 9:00 AM for the AM commuter period and from 4:00 PM to 6:00 PM for the PM commuter period. Traffic counts were conducted between November 2019 and February 2020. As such, the traffic counts were conducted prior to the COVID-19 lockdowns that disrupted normal traffic conditions.

Refer to **Master Response 1, Traffic Level of Service (LOS)**. This comment represents the opinion of the commenter. As LOS is not analyzed or considered under CEQA, LOS analysis is not addressed in the EIR and the EIR did not conclude that there would be a significant LOS impact. However, the LOS analysis (see EIR Appendix L-2) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if the EIR is certified by the

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City's decision-makers, EIR findings pertaining to the LOS policies would not be made. No further response is required.

45-C

Comment Summary:

The commenter states that the proposed project would exacerbate unsafe conditions for ingress/egress into the Seabluffe Village development.

Response:

Refer to **Master Response 2, Safety**, and Response to Comment 45-B, above. As analyzed in the EIR, vehicular access to the site was proposed via a right turn in from southbound North Coast Highway 101 and via a left turn in from northbound North Coast Highway 101. Subsequent to the public review period for the Draft EIR, the project was revised to include construction of a roundabout within the Highway 101 right-of-way at the proposed project entry drive; refer to EIR Figure 2.0-3B, Conceptual Roundabout Plan. The access drive would lead into the site and provide adequate ingress/egress. Vehicle ingress/egress to/from the proposed project and the nearby Seabluffe community would be intermittent and dispersed throughout the day. Refer to **Master Response 1, Traffic Level of Service (LOS)**, for more information on the project's traffic conditions. No further response is required.

45-D

Comment Summary:

This comment states that the proposed project would result in pollution runoff into the Pacific Ocean and Batiquitos Lagoon.

Response:

As discussed in Section 3.8, Hydrology and Water Quality, of the EIR, the San Diego RWQCB regulates discharges from Phase I MS4s in the

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45-A

45-B

45-C

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45-E

San Diego Region under the Regional MS4 Permit. As discussed in Impact 3.8-1, potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a SWPPP would be prepared and implemented in accordance with state and City requirements.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiqitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

The proposed project has been designed to redirect and capture all stormwater runoff associated with the post-construction condition to an underground storage vault. The post-construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, of the EIR, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H of the EIR). Therefore, the proposed project would not substantially alter the

0.0 Preface

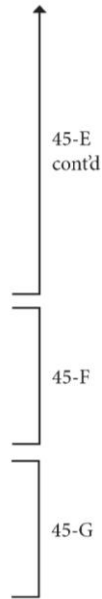
(not sure if the Marea Beach Resort Hotel has been named as a plaintiff, yet). If representatives of the City of Encinitas and/or the California Coastal Commission went to the beach directly in front of the proposed Marea Village building site (About 150 yards west) they would see that water literally seeps out of the bluff. Underground water that naturally flows downhill from I-5 towards the bluffs could be blocked or diverted by the two stories of subterranean parking and further destabilize the bluffs. In addition, beachgoers move their towels up against the bluff as the tide rises, often despite warnings by lifeguards. It seems crazy to allow the building of 94 apartment units, a 30 room hotel, retail space and subterranean parking so very, very close to a fragile bluff.

Many Encinitas residents are keenly aware of the affordable housing issue and are aware that the City is advocating almost all apartment developments because it's behind on its State mandated low income housing requirement. The public safety risks referenced in this email obviously outweigh allowing a developer to build the massive Marea Village project that will only provide 19 units of affordable housing.

Thank you for your consideration.

Tom Alper

Sent from my iPad



existing drainage pattern of the site or area in a manner that would result in substantial runoff into the Pacific Ocean or Batiquitos Lagoon. Impacts would be less than significant.

45-E

Comment Summary:

This comment states that the Seabluffe community is being sued because of the recent bluff collapse and that the proposed project would further destabilize the bluffs.

Response:

Refer to Master Response 3, Bluff Stability. It is not anticipated that the project would have the potential to contribute to or worsen landslide conditions on- or off-site. The analysis provided in the EIR relative to potential landslide hazards is considered adequate.

45-F

Comment Summary:

The comment states that the public safety risks outweigh the need for low-income housing development.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

45-G

Comment Summary:

This comment provides a conclusion to the letter.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR.

INTRODUCTION

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

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

PURPOSE OF THE EIR

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

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

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

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

Executive Summary

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

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

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

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

PROJECT SYNOPSIS

The Marea Village Mixed Use Development Project proposes a mixed-use development consisting of 94 for-lease apartments, a ~~3034~~ 3034-room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development on approximately 3.8 acres located at 1900 and 1950 North Coast Highway 101 in the City of Encinitas (refer to Figure 2.0-1, Regional/Local Vicinity Map, and Figure 2.0-2, Aerial Photograph). The project would also include artist studios, a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Of the 94 residential apartment units proposed, 75 would be rented at market rate and 19 would be affordable housing units dedicated to “low-income” (80% area median income) qualifying residents. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via construction of a right turn in from the southbound lane of proposed roundabout within the right-of-way of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101. The roundabout would provide connection to the proposed on-site access drive which would extend into the site and allow for adequate ingress/egress; refer to Figure 2.0-3B, Conceptual Roundabout Plan.

ISSUES RAISED DURING SCOPING

In accordance with CEQA Guidelines Section 15082, the City prepared and distributed a Notice of Preparation (NOP) of an Environmental Impact Report for the proposed project that was circulated for public review on February 12, 2021 for a period of 30 days (ending March 13, 2021). The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, would be preparing an EIR for the project. The City determined the scope of the analysis for this EIR as a result of initial project review and consideration of agency and public comments received in response to the NOP. For more information regarding the NOP process, refer to Section 1.0, Introduction. The NOP and the NOP comments are included as [Appendix A-1](#) to this EIR. An agency scoping meeting was held on March 12, 2021; however, no public agencies attended.

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

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

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

Executive Summary

- Land use conflicts associated with a mixed-use development
- Visual incompatibility with the existing setting
- Overdevelopment in the community of Leucadia
- Night lighting, noise, and sound from heating, ventilation, and air conditioning systems
- Adequate sewer/water infrastructure
- Concerns regarding tree removal and the use of non-native landscaping
- Beach access for the public
- Adequate parking

SUMMARY OF SIGNIFICANT EFFECTS

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

ISSUES TO BE RESOLVED BY THE DECISION-MAKING BODY

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

SUMMARY TABLE

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

**Table ES-1
Environmental Impact Summary**

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
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 (in an urbanized area) conflict with applicable zoning and other regulations governing scenic quality?	Less than significant	None required	Less than significant
3.1-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant	None required	Less than significant
3.1-5 Would the project result in cumulative aesthetic impacts?	Less than cumulatively considerable	None required	Less than cumulatively considerable
Air Quality			
3.2-1 Would the project conflict with or obstruct implementation of the applicable air quality plan?	Less than significant	None required	Less than significant
3.2-2 Would the project expose sensitive receptors to substantial pollutant concentrations?	Less than significant	None required	Less than significant
3.2-3 Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.2-4 Would the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	Less than significant	None required	Less than cumulatively considerable
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	<p>BIO-1 Preconstruction Survey and Monitoring for California General Avian, Raptor, and Least Tern Survey, and California Least Tern Monitoring. If the project begins construction <u>occurs during the raptor and avian nesting season (raptor nesting season begins January 15; migratory bird nesting begins February 15; all raptor and avian nesting activity typically ceases by roughly April 1 to September 15), a qualified avian biologist with expertise monitoring least terns shall conduct a preconstruction nesting activity presence/absence survey for migratory birds, raptors, and least terns for active nests on the project site and within 100 feet. The surveys shall be conducted no more than 3 days prior to commencement of construction activities. The qualified biologist will also examine the project survey area for all signs of least terns (e.g., nesting scrapes and/or nests).</u></p> <p>and shall monitor the project site at least twice weekly between <u>Impacts to California least tern shall be fully avoided. The qualified biologist shall be on-site during all construction activities between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. Any modification to the monitoring frequency and duration shall first be approved by the Wildlife Agencies prior to implementing the change. If least terns are observed</u> If it is determined that least terns are repeatedly flying over the site during construction hours or roosting on the site, landing on the site outside of construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may shall be implemented to deter terns from flying over and landing on the site and ensure the project's impacts on least terns remain less than significant. If California</p>	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist shall will need to be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the project site for roosting. <u>The monitoring biologist shall provide documentation of any findings to the City.</u></p> <p><u>Impacts to other nesting bird species shall also be avoided. If nesting birds are discovered during the preconstruction surveys or during construction, then avoidance measures will be undertaken and adequate buffers for each of the species will be established until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor any nests and provide documentation to the City.</u></p> <p>BIO-2 Preconstruction Bat Monitoring. <u>If construction occurs during bat maternity season (March 1 through September 30), a qualified bat biologist shall conduct bat surveys which include a combination of sampling, exit counts, and acoustic surveys, to determine if bats are occupying palm trees or vacant structures. If bat surveys are negative, palm tree removal and building demolition shall commence within three days after the survey. If bat surveys are positive, palm tree removal and building demolition shall be postponed until such time as the qualified bat biologist determines bats are no longer present.</u></p>	
<p>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?</p>	<p>Less than significant</p>	<p>None required.</p>	<p>Less than significant</p>

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.3-3 Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant	None required	Less than significant
3.3-4 Would the project interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially significant	Implement mitigation measures <u>BIO-1</u> and <u>BIO-2</u> .	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 <u>BIO-1</u> and <u>BIO-2</u> .	Less than cumulatively considerable
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	Less than significant with mitigation incorporated

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>culturally affiliated (TCA) Native American monitor (Kumeyaay) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).</p> <ul style="list-style-type: none"> • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors. • The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above. • The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, in consultation with the Kumeyaay affiliated tribes. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>by the City as the lead agency under CEQA. If a data recovery<u>Data Recovery Plan</u> is required, then the Kumeyaay affiliated tribes<u>TCA Native American monitor</u> shall be notified and consulted in drafting and finalizing any such recovery plan.</p> <ul style="list-style-type: none"> The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed. The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the Kumeyaay affiliated tribes<u>TCA Native American Tribe</u> 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. <p>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.</p> <p>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</p>	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by state law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept in situ (“in place”), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.</p>	
<p>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?</p>	<p>Potentially significant</p>	<p>Implement mitigation measures CR-1 and CR-2.</p>	<p>Less than significant with mitigation incorporated</p>
<p>3.4-3 Would the project disturb any human remains, including those interred outside of formal cemeteries?</p>	<p>Potentially significant</p>	<p>Implement mitigation measure CR-3.</p>	<p>Less than significant with mitigation incorporated</p>
<p>3.4-4 Would the project result in cumulative impacts related to historical and archaeological resources or human remains?</p>	<p>Potentially significant</p>	<p>Implement mitigation measures CR-1 to CR-3.</p>	<p>Less than cumulatively considerable</p>

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
Energy Conservation and Climate Change			
<p>3.5-1 Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</p>	<p>Potentially significant</p>	<p>GHG-1 <u>Purchase and Retire Greenhouse Gas (GHG) Offsets. The applicant shall purchase and retire 18,739 metric tons of carbon dioxide equivalent (MTCO₂e) greenhouse gas offsets to reduce the project’s GHG emissions level to 2.7 MTCO₂e per service population per year, consistent with the performance standards and requirements set forth below.</u></p> <ul style="list-style-type: none"> • <u>The GHG offsets shall be secured from an accredited registry that is approved by the California Air Resources Board (CARB), or from an emissions reduction credits program that is administered by CARB.</u> • <u>The GHG offsets shall be secured from an accredited registry that uses a CARB-approved protocol which meets the requirements of California Code of Regulations, Title 17, §95972(a).</u> • <u>The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable, as those terms are defined in Health & Safety Code §38562(d)(1) and (2) and California Code of Regulations, Title 17, §95802.</u> • <u>Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project’s direct emissions. As described in CARB Determination for State Assembly Bill 734, all carbon offset credits shall be purchased from a carbon offset registry which is approved by CARB and uses CARB-approved protocols, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry’s applicable standards, practices, or protocols. The carbon offsets must substantively satisfy all six of the statutory “environmental integrity” requirements applicable to the CARB</u> 	<p>Less than significant with mitigation incorporated</p>

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., American National Standards Institute National Accreditation Board Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.</u></p> <ul style="list-style-type: none"> • <u>Geographic Location: Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority: (1) off-site within the neighborhood surrounding the project site, including Encinitas; (2) the greater North County community; (3) within the San Diego County Air Basin; (4) the State of California; and (5) the United States. For offset credits from projects outside the State of California, the applicant shall demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California’s laws and regulations for ensuring the validity of offset credits.</u> • <u>Any offset credits used for mitigation are subject to the approval of the City. Contracts for purchase of credits shall be entered into prior to issuance of a certificate of occupancy for each building and the applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those</u> 	

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><u>credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a certificate of occupancy.</u></p> <ul style="list-style-type: none"> • The applicant or its designee shall purchase and retire greenhouse gas offsets to reduce the project's GHG emissions level to 2.7 metric tons carbon dioxide equivalent (MTCO2e) per service population per year, consistent with the performance standards and requirements set forth below. • The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district. • The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable. • Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this memorandum, the applicant may prepare a final project GHG emissions inventory prior to City of Encinitas issuance of building permits. The inventory shall be subject to verification by a City-approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation prior to completion of the project. 	
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

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.5-3 Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than significant	None required	Less than significant
3.5-4 Would the project conflict or obstruct a state or local plan for renewable energy or energy efficiency?	Less than significant	None required	Less than significant
3.5-5 Would the project would in cumulative impacts related to energy conservation and climate change?	Potentially significant	Implement mitigation measure GHG-1 .	Less than cumulatively considerable
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 issued by the State Geologist for the area or based on other substantial evidence of a known fault?	Less than significant	None required	Less than significant
3.6-2 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?	Less than significant	None required	Less than significant
3.6-3 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.6-4 Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?	Less than significant	None required	Less than significant
3.6-5 Would the project result in substantial soil erosion or the loss of topsoil?	Less than significant	None required	Less than significant
3.6-6 Would the project site be located on a geologic unit or soil that is unstable, or that 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 direct or indirect risks to life or property?	Less than significant	None required	Less than significant
3.6-8 Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No impact	None required	No impact
3.6-9 Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially significant	<p>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.</p> <ol style="list-style-type: none"> 1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: <ol style="list-style-type: none"> 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 	Less than significant with mitigation incorporated

Table ES-1, continued

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

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p>f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.</p> <p>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.</p>	
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
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?	Less than significant	None required	Less than significant
3.7-2 Would the project have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Potentially significant	HAZ-1 Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division).	Less than significant with mitigation incorporated

Table ES-1, continued

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

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.7-8 Would the project result in cumulative impact related to hazards and hazardous materials?	Potentially significant	Implement mitigation measures HAZ-1 through HAZ-3 .	Less than cumulatively considerable
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
3.8-4 Would the project substantially increase the rate or amount of surface runoff in a manner which would result flooding on- or off-site?	Less than significant	None required	Less than significant
3.8-5 Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than significant	None required	Less than significant

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.8-6 Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would impede or redirect flood flows?	Less than significant	None required	Less than significant
3.8-7 Would implementation of the project risk the release of pollutants due to project inundation from a flood, tsunami, or seiche zones?	No impact	None required	No impact
3.8-8 Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant	None required	Less than significant
3.8-9 Would the project result in cumulative hydrology and water quality impacts?	Less than significant	None required	Less than cumulatively considerable
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?	Potentially significant	<p>NOI-1 Implement Vibration Control Measures During Construction. The project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first):</p> <ul style="list-style-type: none"> • The Applicant <u>project applicant</u> shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration. The <u>Applicant</u> shall adjust the vibration frequency settings of the equipment to ensure vibration levels do not exceed the 0.2 inch-per-second PPV threshold at the residential buildings located to the west of the project site. • The Applicant <u>project applicant</u> shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration. 	Less than significant with mitigation incorporated
3.10-3 Would the project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	None required	No impact

Table ES-1, continued

Impact	Level of Significance without Mitigation	Mitigation Measure	Resulting Level of Significance
3.10-4 Would the project result in cumulative noise impacts?	Potentially significant	Implement mitigation measure NOI-1 .	Less than cumulatively considerable
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 cumulatively considerable

Table ES-1, continued

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

Table ES-1, continued

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

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

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

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

Notes:

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

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

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

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

Alternative 1: No Project/No Redevelopment Alternative

Description

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

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

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

Summary

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

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

Alternative 2: No Project/Reasonably Foreseeable Development Alternative

Description

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

Similar to the proposed project, a ~~3034~~ 3034-room hotel would be constructed on Parcel 1 in the northern portion of the site. On Parcel 2, 33 residential units (for-lease apartments) would be constructed, which represents the minimum number of residential dwelling units required by the HEU. This alternative would include 7 affordable residential units which represents 20 percent of the overall proposed units. As such, the number of affordable residential units would be reduced from 19 to 7 units. The remainder of Parcel 2 would be developed with approximately 10,774 SF of commercial space.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate a resident population of 83 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 10,774 SF of commercial space would generate an estimated 43.1 employees. Similar to the project as proposed, the ~~3034~~ 3034-room hotel would generate approximately 9.8 employees. Therefore, development under this alternative would generate an estimated total of 53 employees, as compared to the 62 employees generated with the proposed project.

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

Summary

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

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

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

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

Alternative 3: Reduced Residential/Increased Commercial Alternative

Description

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

Under this alternative, the ~~3034~~ 3034-room boutique hotel would remain. Additionally, Site 1 would be developed with 84 for-lease apartment units, which is the maximum number of dwelling units allowed under the existing zoning and similar to that which would occur with the proposed project. This alternative would remove the 10 dwelling units proposed on Site 2, so no residential uses would be proposed on Site 2. Private open space for the 84 residential units would also be provided as proposed with the project.

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

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

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

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

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

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

Summary

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

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

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

Description

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

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

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

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

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

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

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

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

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

Summary

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

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

Executive Summary

As this alternative would support the similar uses and components as the proposed project, this alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances and dedicating 20 percent of the total number of dwelling units as affordable housing units for low-income families. However, this alternative would not meet the project objective of minimizing visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.

1.1 PURPOSE OF THE EIR

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

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

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

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

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

1.0 Introduction

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

1.2 INTENDED USES OF THE EIR

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

1.3 DISCRETIONARY ACTIONS AND APPROVALS

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

City of Encinitas

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

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

- School Fee
- Sewer Development Fee

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

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

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

1.4 EIR SCOPE, ISSUES, CONCERNS

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

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

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

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

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

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

1.0 Introduction

Key comments of environmental concern include:

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

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

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

CITIZEN PARTICIPATION PROGRAM (CPP) MEETING

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

Key comments of environmental concern are related to:

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

- Pedestrian safety crossing North Coast Highway 101 and adjoining streets
- Density of the project
- Destabilization of the adjacent bluffs
- Concerns regarding tree removal and the use of non-native landscaping
- Beach access for the public
- Adequate parking

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

- Aesthetics
- 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~~The Draft EIR, with an accompanying Notice of Completion (NOC), ~~is being~~was 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~~submitted written comments on the analysis and content of the Draft EIR. In reviewing a Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible impacts of the proposed project on the environment and on ways in which the significant effects of the proposed project might be avoided or mitigated.

1.0 Introduction

Comment letters ~~should be~~ were 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

In response to the public review period, the City received two (2) comment letters from state agencies; one (1) comment letter from a local agency; two (2) comment letters from organizations; and forty-one (41) comment letters from individuals. Following the close of the public comment period, ~~a~~ the Final EIR ~~will be~~ was prepared to respond to all substantive comments related to environmental issues potentially resulting from implementation of the surrounding the proposed project. The Final EIR ~~will be~~ was completed prior to the public hearing to consider certification of this EIR and approval of the Marea Village Mixed Use Development project.

1.5 REPORT ORGANIZATION

The EIR is organized as follows:

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

- Air Quality (Section 3.2)
 - Biological Resources (Section 3.3)
 - Cultural Resources (Section 3.4)
 - Energy Conservation and Climate Change (Section 3.5)
 - Geology and Soils (Section 3.6)
 - Hazards and Hazardous Materials (Section 3.7)
 - Hydrology and Water Quality (Section 3.8)
 - Land Use and Planning (Section 3.9)
 - Noise (Section 3.10)
 - Public Services and Recreation (Section 3.11)
 - Transportation (Section 3.12)
 - Tribal Cultural Resources (Section 3.13)
 - Utilities and Service Systems (Section 3.14)
- **Section 4.0, Effects Found Not to Be Significant.** Summarizes effects found not to be significant.
 - **Section 5.0, Alternatives.** Analyzes a reasonable range of alternatives to the proposed project, including the CEQA-mandated “No Project” alternative. The alternatives seek to achieve the basic objectives of the proposed project while reducing potential environmental effects associated with the proposed project.
 - **Section 6.0, Other CEQA Considerations.** Summarizes the project’s significant and unavoidable impacts, energy conservation, and significant irreversible environmental changes. This section also includes a discussion of growth-inducing impacts, analyzing the potential environmental consequences of the foreseeable growth and development that could be induced by implementation of the proposed project.
 - **Section 7.0, Preparers and Persons Consulted.** Identifies the preparers of the EIR, including the lead agency.
 - **Section 8.0, References.** Identifies reference resources used during preparation of the EIR.
 - **Appendices.** Contains the project’s technical documentation.

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

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

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

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

The CEQA Guidelines provide, in part:

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

Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement

may be necessary if the agency also makes the finding under Section 15091(a)(2) or (a)(3) of the CEQA Guidelines.

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

1.6 INCORPORATION BY REFERENCE

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

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

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

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

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

All approvals necessary to implement appropriate zoning and development standards, including California Coastal Commission approval of an LCP Amendment, are required to find Encinitas' Housing Element compliant with state Housing Element law (Article

1.0 Introduction

10.6 of the Government Code). The September 16, 2019 correspondence, and associated documentation satisfy the requirements described in HCD's reviews. As a result, the March 13, 2019 adopted Housing Element complies with state Housing Element law (Article 10.6 of the Government Code).

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

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

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

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

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

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

ENCINITAS NORTH 101 CORRIDOR SPECIFIC PLAN

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

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

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

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

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

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

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

1.0 Introduction

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

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

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

CITY OF ENCINITAS GENERAL PLAN AND CERTIFIED LOCAL COASTAL PROGRAM

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

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

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

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

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

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

CITY OF ENCINITAS CLIMATE ACTION PLAN

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

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

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

1.0 Introduction

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

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

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

CITY OF ENCINITAS MUNICIPAL CODE

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

Housing Plan Update 2019 R-30 OL Implementing Zone

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

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

The R-30 OL Zone is intended to:

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

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

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2.1 PROJECT LOCATION AND OVERVIEW

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

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

The project proposes a mixed-use development consisting of 94 for-lease apartments, a ~~3430~~ room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development. The project would also include a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Of the 94 residential apartment units proposed, 75 would be rented at market rate and 19 would be affordable housing units dedicated to “low-income” (80% area median income) qualifying residents; refer to [Figure 2.0-3A, Site Plan](#), and [Figures 2.0-4A to 2.0-4F](#). Additionally, 8 of the 34 guest rooms at the hotel would be available at “economy” rates to ensure a full range of affordability.

Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a ~~right turn in from the southbound lane of roundabout constructed along North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101~~ near the southern boundary of the project site; refer to Figure 2.0-3B, Conceptual Roundabout Plan. The roundabout would provide connection to a proposed access drive leading into the subject property.

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

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

2.0 Project Description

use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations.

Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As stated above, as part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations (City of Encinitas 2015). Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay, with ~~and~~ a maximum density of 25 dwelling units per acre.

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

2.2 PROJECT OBJECTIVES

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

1. Provide housing opportunities consistent with the goals of the adopted City of Encinitas General Plan HEU, while minimizing environmental effects and protecting surrounding aesthetic resources.
2. Design a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.
3. Dedicate 20 percent of the total number of dwelling units as affordable housing units for low income families, thereby helping to meet State-mandated affordable housing requirements and further encourage diversity within the community.

4. Provide access to significant coastal resources to low income families consistent with goals and policies of the California Coastal Act.
5. Provide a residential housing product aimed at meeting growing demand for for-lease apartment homes.
6. Provide an overall design that achieves consistency with the goals and design review guidelines identified in the North 101 Corridor Specific Plan (N101SP) for Highway 101 within the community of Leucadia.
7. Provide functional compatibility with adjacent residential neighborhoods and other nearby land uses while enhancing the City's ability to provide fiscally positive development.
8. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo, pedestrian plaza, and outdoor seating to support community engagement.
9. Minimize visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.
10. Minimize or avoid adverse impacts to designated scenic resources along the North Coast Highway 101 corridor.
11. Provide a project design that enhances pedestrian connectivity to public transit and promotes use of alternative means of transportation.
12. Provide resident and commercial parking in accordance with the City of Encinitas Zoning Ordinance and encourage shared parking among the various non-residential uses within the project.
13. Provide overnight visitor-serving accommodations, including "economy" options, in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program to ensure a full range of affordability.

2.3 PLANNING CONTEXT

As part of the requested project approvals, a lot line adjustment is proposed to delineate the portions of the site where the hotel and the mixed-use development would occur. The existing lot line between APN 216-041-20 and 216-041-21 would be relocated to the north, thereby also adjusting the total acreage of each parcel. With City approval of the lot line adjustment, Parcel 1

2.0 Project Description

would total approximately 0.69 acre; Parcel 2 would total approximately 2.3 acres. These acreage totals are referred to herein in describing the proposed project (rather than the original acreages prior to the lot line adjustment). Refer also to Table 2.0-1, Existing General Plan Land Use and Zoning, for additional information.

GENERAL PLAN LAND USE AND ZONING

Table 2.0-1 identifies the existing General Plan Land Use designations and zoning classifications, as well as existing overlay zones, for the three affected parcels that comprise the project site. No change to the existing zoning or General Plan land use are required or proposed to allow for project implementation.

Table 2.0-1 Existing General Plan Land Use and Zoning

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

¹Acreage indicated assumes City approval of requested lot line adjustment between APNs 216-041-20 and 216-041-21. Source: 2013 - 2021 Housing Element Update (2019)

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

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

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

NORTH 101 CORRIDOR SPECIFIC PLAN (N101SP)

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

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

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

Land Use

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

COASTAL OVERLAY ZONE

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

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

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

SPECIAL STUDY OVERLAY ZONE

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

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

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

SCENIC/VISUAL CORRIDOR OVERLAY ZONE

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

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

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

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

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

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

NORTH HIGHWAY 101 STREETScape IMPROVEMENT PROJECT

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

2.0 Project Description

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

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

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

2.4 PROJECT COMPONENTS

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

Table 2.0-2 Proposed Development Summary

Proposed Land Use	Site No.	Square Footage ¹	Number of DUs or Hotel Rooms
Residential	Parcel 1	--	--
	Parcel 2	65,524	84
	Parcel 3	8,228	10
Subtotal	--	72,982	94
Commercial	Parcel 1	--	--
	Parcel 2	10,773	--
	Parcel 3	7,488	--
Subtotal	--	18,261	--
Hotel	Parcel 1	18,109 24,319	303 4
	Parcel 2	-	--
	Parcel 3	--	--
Subtotal	--	18,10924,319	3034
Open Space			
Private Open Space	Parcel 1	--	--
	Parcel 2	6,575 5,850 (100 SF/DU) ²	--
	Parcel 3	--	--
Common Amenity Space	Parcel 1	--	--
	Parcel 2	21,344 (200 SF/DU) ³	--
	Parcel 3	--	--
Subtotal	--	27,919194	--
Underground Parking Garage			
	Parcel 1	--	--
Parking Level 1	Parcel 2	39,079	--
Parking Level 2	Parcel 2	39,079	--
	Parcel 3	--	--
Subtotal	--	78,158	--

2.0 Project Description

Table 2.0-2, continued

Proposed Land Use	Site No.	Square Footage ¹	Number of DUs or Hotel Rooms
Utilities/Elevator			
	Parcel 1	--	--
	Parcel 2	4,000	--
	Parcel 3	1,000	--
Subtotal	--	5,000	--
TOTAL AREA (GFA)		187,510193,720	1284⁵

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

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

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

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

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

5 - 1284 DUs includes 94 apartment units and 349 hotel units

Source: Stephen Dalton Architects 2020

PROPOSED LAND USES

Residential Development - General

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

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

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

The residential uses would provide 6,575 SF of private open space (or 100 SF per dwelling unit). Additionally, approximately 21,344 SF of common amenity space (or 200 SF per dwelling unit) is proposed.

Residential Apartment Use

The project proposes residential apartment units within four individual buildings in the western portion of the site; refer to Figure 2.0-3A, Site Plan. Proposed elevations are shown in Figures

2.0-4A and 2.0-4B, Apartment Use - Conceptual Elevations. The structures would each be three stories in height (maximum 34 feet). The individual unit types offered would include studios, lofts, and 1- and 2-bedroom apartments (approximately 380 SF to 1,223 SF in size). The average residential unit size would be approximately 834 SF.

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

Mixed-Use Commercial

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

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

Hotel

The project would include construction of a ~~3430~~-room, approximately ~~18,261~~24,319 SF boutique hotel. Of the 34 guest rooms, 8 would be offered at an “economy” (affordable) rate to reflect a full range of affordability in overnight accommodations, respective of the Limited Visitor-Serving Commercial (N-L-VSC) (R-30-OL) zone. It is anticipated that the hotel would be three stories in height. The hotel would be independently owned and operated by a private entity. The hotel use would include an outdoor swimming pool and spa. Refer to Figure 2.0-4F, Hotel - Conceptual Elevations.

2.0 Project Description***Common/Public Use Areas***

As part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage social interaction and community engagement; refer to Figure 2.0-3A, Site Plan, and Figure 2.0-5, Conceptual Landscape Plan. A pedestrian bridge would also be constructed at the north end of the project site to connect the proposed ~~3430~~ 3430-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The project also includes two other pedestrian bridges: connecting buildings 1 and 2, and building 4 to building 6.

2.5 DENSITY BONUS

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

The proposed project meets the City’s Municipal Code requirement of 25 du/acre and is therefore eligible for R30 Overlay zone development standards. The project proposes to provide 20% of the 194 residential units (or 19 units) as “low income”¹ affordable residential units (affordable to households earning no more than 80 percent of the area median income) and qualifies as a Density Bonus Project under SB 330. ~~The proposed project would qualify for treatment under the Density Bonus Law by providing 19 “low income”² affordable residential units (affordable to households earning no more than 80 percent of the area median income) which represents 20 percent of the overall proposed 94 unit count. Refer also to Table 2.0-3, Summary of Proposed Units, for additional project information.~~

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

¹ ~~94 residential apartment units x 0.20 = 18.8 units, or 19 total units (rounded up).~~

² ~~94 residential apartment units x 0.20 = 18.8 units, or 19 total units (rounded up).~~

Table 2.0-3 Summary of Proposed Units

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

Notes: DU = dwelling units; AC = acres

INCENTIVE #1

Parcels 1 and 2: The incentive requested for Parcel 2 is an increase in the height limit for buildings 4 and 6 (flat roof structures) to 40 feet 6 inches ~~6" feet~~ above finished grade. The existing height limit for Parcels 1 and 2 is 35 feet for flat roof structures and 39 feet for sloped roof structures as is determined by the R-30 Overlay. The increase in the height limit to 40 feet 6 inches ~~6" (or 10 feet 5 inches above that allowed within the Coastal Zone)~~ ~~feet~~ is required to accommodate the necessary commercial ceiling height; refer to Figure 2.0-3A, Site Plan.

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

INCENTIVE #2

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

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

REQUESTED WAIVERS OF DEVELOPMENT STANDARDS

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

2.6 DESIGN CONCEPTS

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

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

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

WALLS AND FENCING

A permanent shoring wall would be constructed along a portion of the southern property boundary and along the length of the western property boundary to stabilize the slope and to allow for construction of the drive aisle, parking garage, apartment uses, and the boutique hotel. The top of the shoring wall would only extend to the top of finished grade and would therefore not be visible from adjacent properties to the west and south looking into site. One to two retaining walls would be constructed in front of the majority of the shoring wall along the western and southern boundaries for additional engineering support. The retaining walls would vary in height from approximately two feet to 12 feet with cascading plant screening to visually integrate the walls into the surrounding landscape.

The proposed project includes a variety of walls and fences. Due to the slope of the site, the project site includes internal retaining walls. The area between the hotel and building 5 would be separated by a retaining wall with a maximum height of 20 feet. The retaining wall would contain guardrails on top of these walls for safety. A 6-foot 6-inch-6' wall would be constructed along the eastern boundary of the site along Highway 101. There are also two walls on the east side of the boardwalk that are adjacent to and visible from Highway 101. An additional series of

retaining walls is proposed along the eastern border of the outdoor pool and spa and adjacent to N. Coast Highway 101 associated with the hotel use; refer to [Figure 2.0-3A, Site Plan](#). A six-foot-high tubular steel security fencing would be installed around the pool/spa for security purposes (Building 11).

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

SIGNAGE

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

LIGHTING

The proposed project would install street lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways to identify the project entrance and to provide safe ingress and egress. The proposed project would also include lighting for all parking areas, including garage levels. In addition to safety lighting for streets and parking areas, exterior building lights are proposed, both as safety lighting and architectural details on the residential and commercial buildings, hotel and pool area, as well as the public amenity area. All lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels, light poles at a maximum height of 18_-feet, and shielded lighting that is directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties.

STORM WATER CAPTURE AND DRAINAGE FEATURES

In the existing condition, storm water runoff from the site generally flows overland and through an onsite storm drain easterly to North Coast Highway 101. There is offsite run-on from the

2.0 Project Description

unimproved area along the westerly and southerly boundary. The onsite storm drain connects to the storm drain located in North Coast Highway 101. Overland flow drains to North Coast Highway 101 where it enters the storm drain which conveys all flow northerly to an extended detention basin located adjacent to the east side of the South Carlsbad State Beach Parking Lot. Flow from the existing detention basin discharges to Batiquitos Lagoon and ultimately the Pacific Ocean (PLSA 2021).

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

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

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

LANDSCAPING

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

required to maintain significant mature trees to the extent possible and incorporate them into the design of development projects.

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

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

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

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

ACCESS AND CIRCULATION

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

2.0 Project Description

The project site would be accessed from the roundabout via a two-way, ~~26~~ approximately 30-foot wide driveway having two ~~13-foot wide~~ lanes; refer to Figure 2.0-3A, Site Plan, and Figure 2.0-3B, Conceptual Roundabout Plan. The drive would extend to the west into the site, with one cul-de-sac proposed to extend to the north to provide access to the subterranean parking garage as well as the mixed-use area. The main drive would continue further to the west and then extend to the north to serve the proposed apartment units and the boutique hotel. These internal drives would provide adequate emergency access to all on-site development and would allow for emergency vehicle maneuvering and turnaround.

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

PARKING

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

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

Table 2.0-4, Parking Requirements, identifies the parking ratios and requirements for each of the uses proposed, consistent with the parking use categories and associated parking ratios identified in the Encinitas Municipal Code (Section 30.54.030 - Schedule of Required Off-Street Parking; applies to proposed non-residential uses) and the State Density Bonus law (applies to residential uses). ~~Under the existing City code, A total of 247256.5~~ parking spaces are required; 257 parking spaces are proposed.

Table 2.0-4 Parking Requirements

	Parcel 1			Parcel 2			Parcel 3		
	Number of Units or SF	Ratio	Required	Number of Units or SF	Ratio	Required	Number of Units or SF	Ratio	Required
Residential (Apartments)									
Studio	--	--	--	6	1/DU	6.0			
1-Bedroom	--	--	--	6460	1/DU	64.060.0	8	1/DU	8.0
2-Bedroom	--	--	--	2018	1.5/DU	30.027.0	2	1.5/DU	3.0
Guest	--	--	--	--	--	--	--	--	--
Subtotal Residential	--	--	--	--	--	94.093.0	--	--	11.0
Hotel	3034	1.25 keys	37.542.5	--	1.25/DU	--	--	--	--
Net Restaurant Dining	--	--	--	1,737 SF	1/75 SF	23.2	1,119 SF	1/75 SF .25/DU	14.9
Net Outdoor Dining	--	--	--	1,000 SF	1/75 SF	13.3	500 SF	1/75 SF	3.76.7
Retail + Commercial + BOH	--	--	--	7,061 SF	1/300 SF	23.5	5,161 SF	1/300 SF	17.2
TOTAL	--	--	37.543.0	--	--	154.153.0	--	--	49.850.0
TOTAL SPACES REQUIRED	2476¹								
TOTAL SPACES PROPOSED	257^{1,2}								

Notes: SF = square feet; DU = dwelling unit; BOH = back of house

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

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

Source: Stephen Dalton Architects 2021

SUSTAINABILITY

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

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

2.0 Project Description

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

UTILITIES

Water

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

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

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

Sewer

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

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

Electricity and Natural Gas

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

NORTH COAST HIGHWAY 101 IMPROVEMENTS

Improvements to North Coast Highway 101 are proposed to allow for adequate ingress/egress. Vehicular access to the site would be provided via a proposed roundabout to be constructed along North Coast Highway 101; refer to Figure 2.0-3B, Conceptual Roundabout Plan. The roundabout would provide connection to a proposed access drive leading into the southern portion of the subject property. ~~Vehicular access to the site would be provided via a right turn in from the southbound lane of North Coast Highway 101 and via a new left turn in from the northbound lane of North Coast Highway 101.~~

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

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

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

~~In addition, proposed improvements within the North Coast Highway 101 right-of-way would include construction of a left turn lane to allow for ingress into the property from the northbound direction. All existing City trees identified on the project site and some ornamental trees within the center median of the Highway 101 ROW are proposed to be removed as part of project implementation except for four existing median trees that would be retained.~~ As such, the project must comply with the requirements set forth in the City's UFMP. As none of the trees on-site are protected, a tree removal permit is not required. In accordance with the City's Tree Ordinance, any City Trees that are removed by the project would require a minimum 1:1 replacement tree of a type, size, and location to be determined by the City-approved arborist. As shown in Figure 2.0-5, Conceptual Landscape Plan, the project would plant approximately ~~124~~ 116 trees which exceeds the minimum 1:1 replacement ratio.

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

2.7 PROJECT CONSTRUCTION

~~Construction of the project would occur in one phase, projected to last approximately 22 months. Table 2.0-5, Anticipated Construction Schedule, provides durations of the project's major construction activities. Note that several of the construction components will overlap with the total construction phase expected to last approximately 16.5 months. the estimated project construction schedule.~~ All construction staging of materials and equipment would occur on-site; no construction staging on off-site property is required.

Table 2.0-5 Anticipated Construction Schedule

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

DEMOLITION

All existing structures on-site would be removed to allow for development as proposed. Approximately 10,681 SF of building area would be demolished, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion, along with all existing surface parking areas. Approximately 5,500 tons of demolition debris would be generated requiring disposal off-site at a disposal facilities that is approved to accept demolition debris waste.

GRADING

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

BEACH SAND REPLENISHMENT

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

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

CONSTRUCTION NOISE MANAGEMENT

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

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

TRANSPORTATION DEMAND MANAGEMENT

A Transportation Demand Management (TDM) plan would be prepared and implemented to provide the means to disseminate information to help tenants and employees learn about and use alternative forms of transportation other than single occupancy vehicles. The following TDM elements would be provided for the project (LOS Engineering 2022~~20~~):

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program (www.icommutesd.com) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements such as a connection to the hotel to the north and, indirectly, to the beach below.
- Provide information about maps, routes, and schedules for public transit near the retail buildings.

2.8 ENVIRONMENTAL SETTING

REGIONAL SETTING

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

LOCAL SETTING

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

The Pacific Ocean lies approximately 0.14 mile to the west of the site. The existing Seabluffe 255-gated townhome residential community is located directly adjacent to the south and west;

Moorgate Road runs along the southern boundary of the site. A recently ~~developed~~ constructed hotel is located adjacent to the north; further to the north is the Batiquitos Lagoon. North Coast Highway 101 forms the eastern boundary of the project site.

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

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Refer to Figure 2.0-2, Aerial Photograph.

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

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

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

2.0 Project Description

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

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

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

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

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

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

Poinsettia Station is also located approximately 1.9 miles to the northwest of the project site and provides access to the Coaster commuter rail line.

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

2.9 INTENDED USES OF THE EIR

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

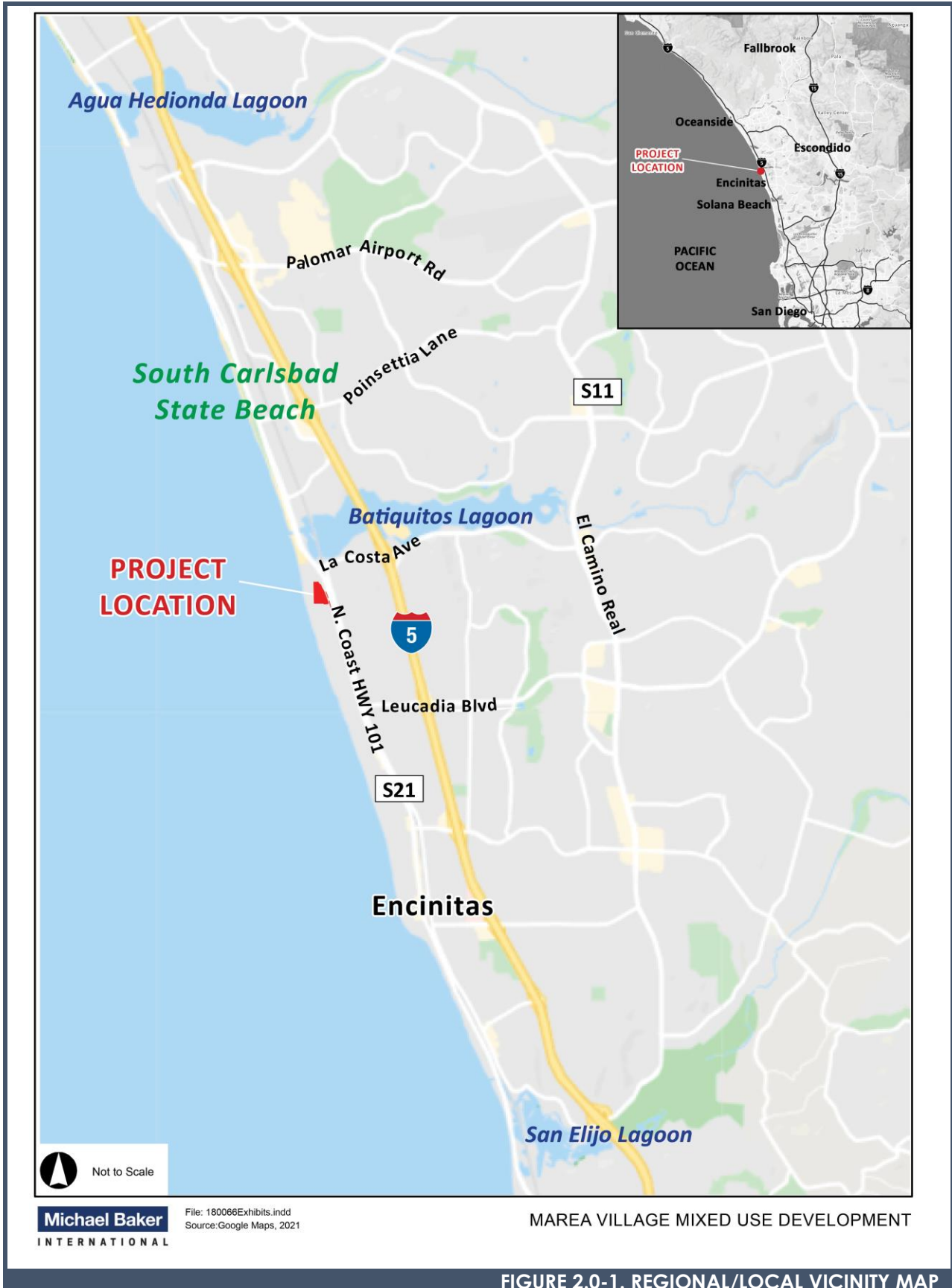
The City of Encinitas is the lead agency for the project under CEQA, as it is the agency with primary authority over the project's discretionary approvals. Several other agencies, identified as responsible and trustee agencies, would also use the EIR for their consideration of approvals or permits under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

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

2.0 Project Description

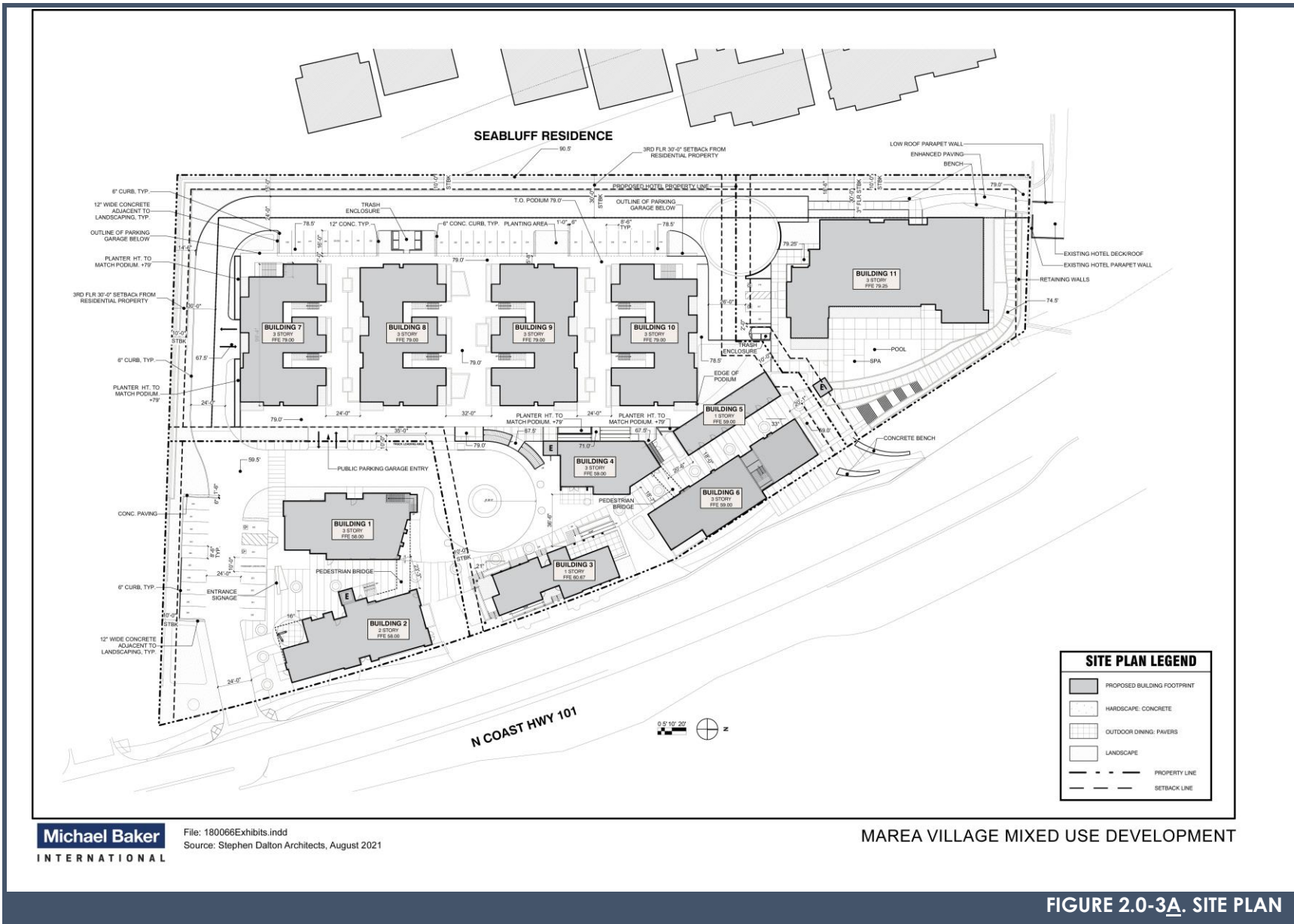
Table 2.0-6 Required Approvals and Permits

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



2.0 Project Description





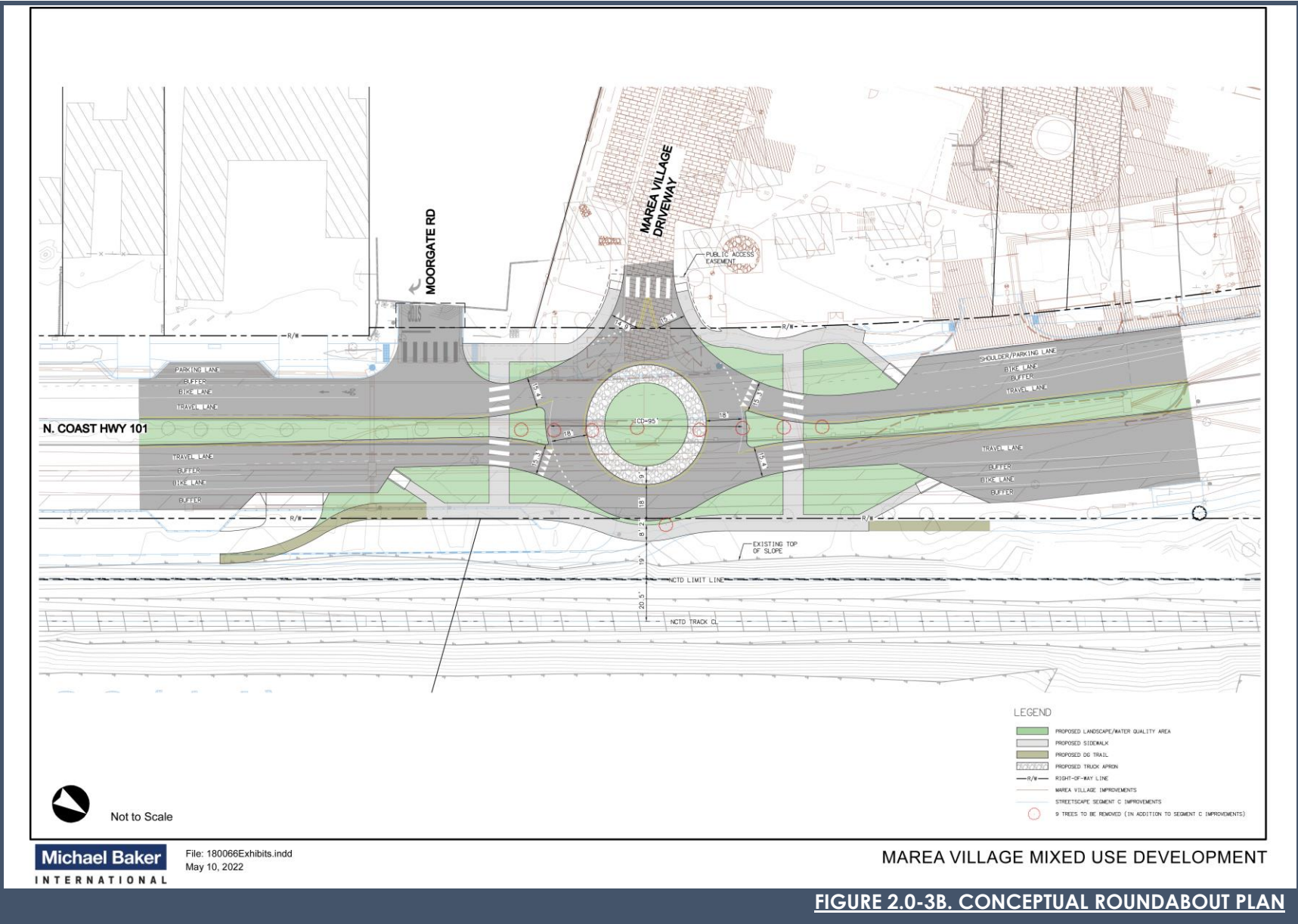
Michael Baker
 INTERNATIONAL

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

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-3A. SITE PLAN

2.0 Project Description





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

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4A. APARTMENT USE – CONCEPTUAL ELEVATIONS

2.0 Project Description

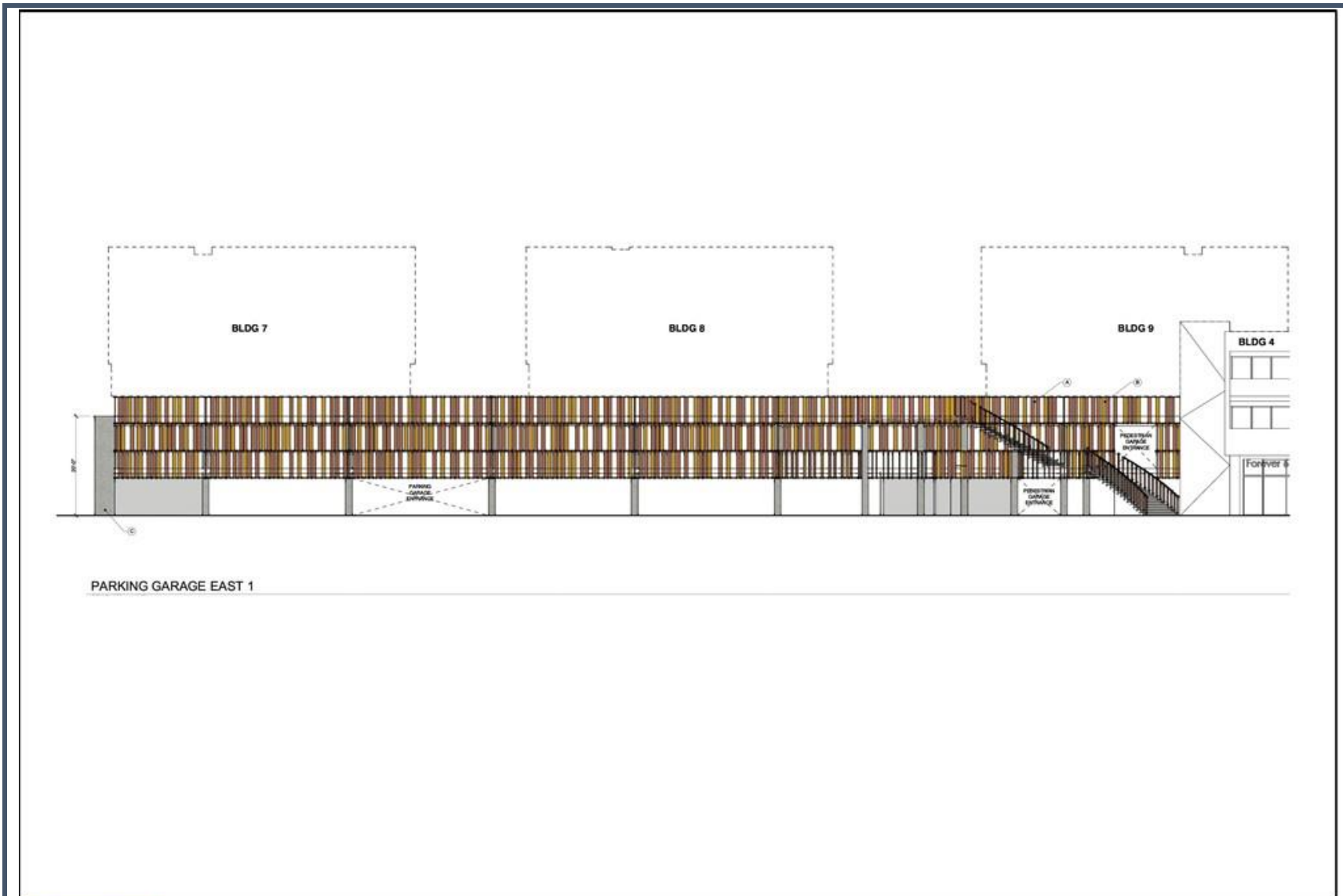


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 INTERNATIONAL

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

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4B. APARTMENT USE – CONCEPTUAL ELEVATIONS



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Source: Stephen Dalton Architects, December 2020

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4C. PARKING GARAGE ELEVATIONS

2.0 Project Description



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 Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

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



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 Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

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

2.0 Project Description

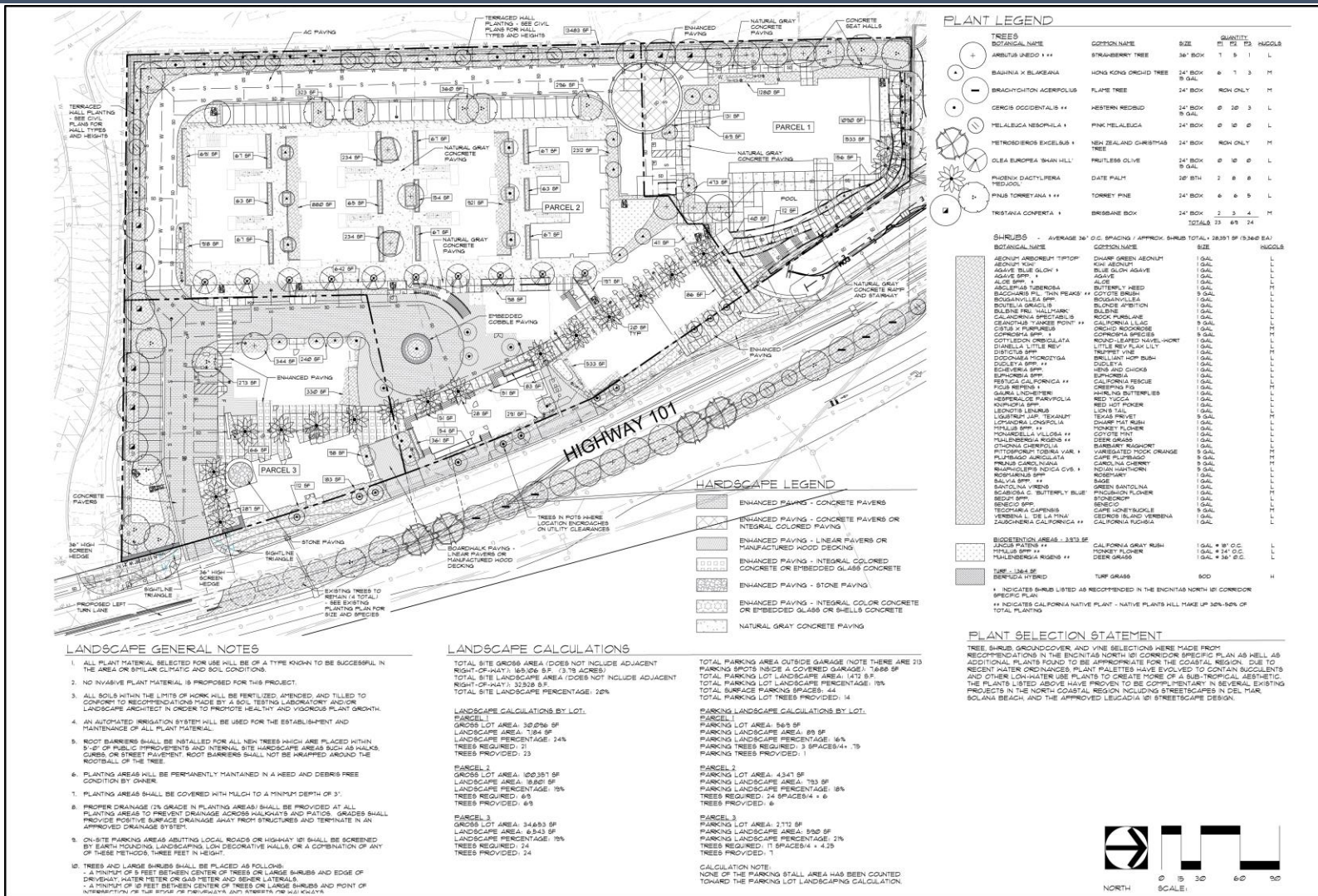


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Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-4F. HOTEL – CONCEPTUAL ELEVATIONS

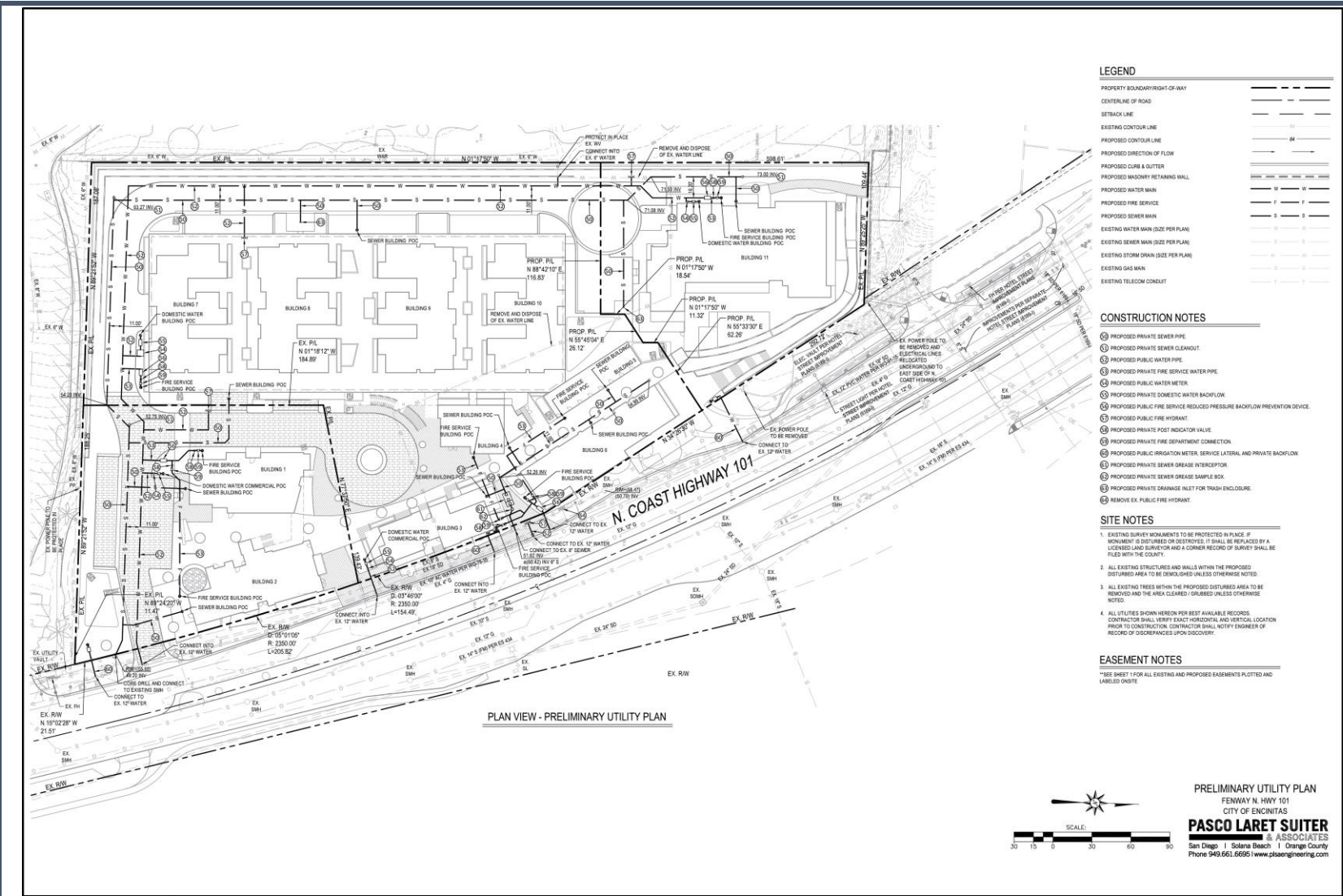


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 Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-5. CONCEPTUAL LANDSCAPE PLAN

2.0 Project Description

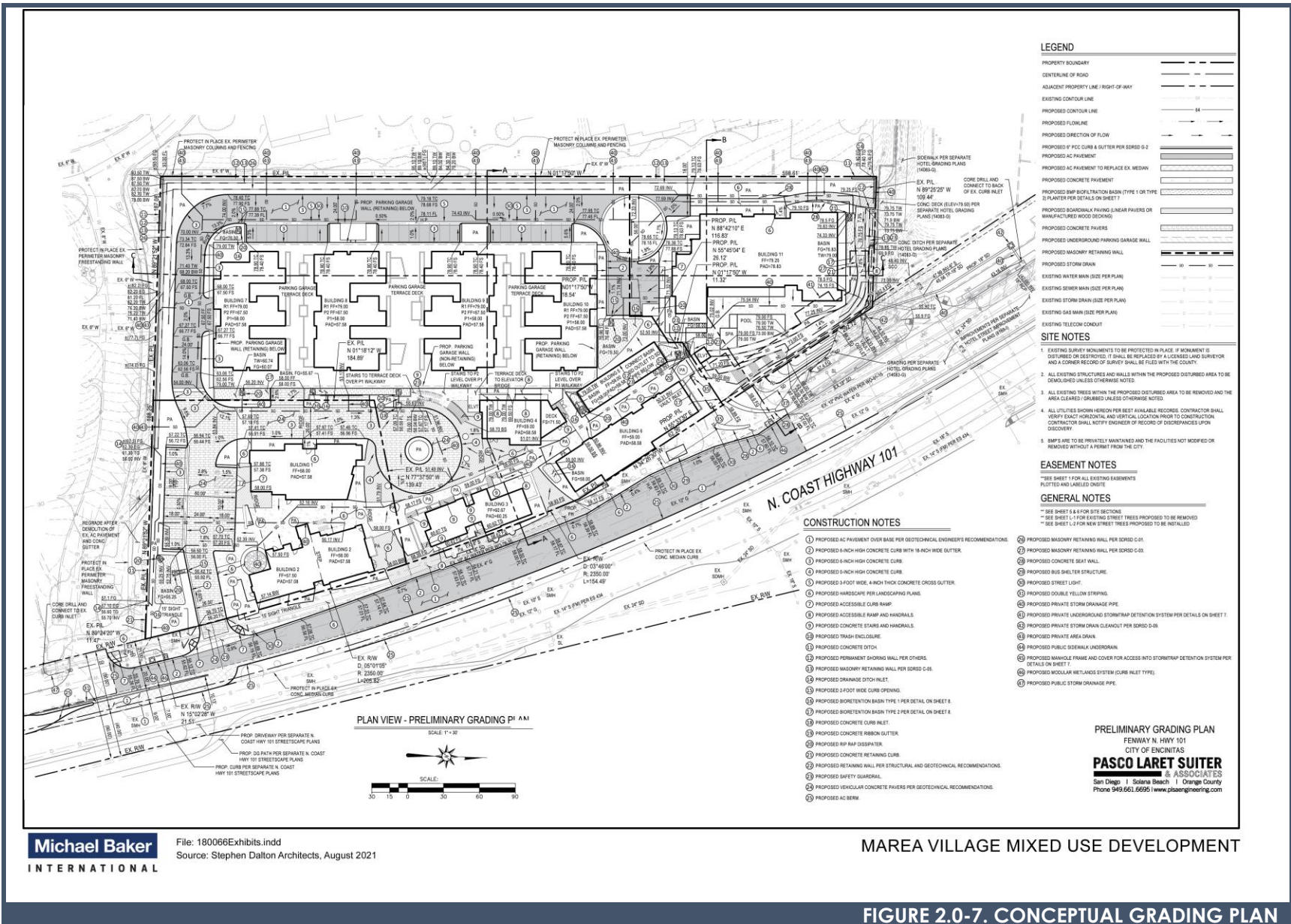


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Source: Stephen Dalton Architects, August 2021

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 2.0-6. PRELIMINARY UTILITY PLAN



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Section 3.0 Environmental Analysis

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

SECTION CONTENT AND DEFINITION OF TERMS

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

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

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

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

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

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

3.0 Environmental Analysis

- **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
City of Encinitas				
--	3780-2020	Marea Village (Proposed Project) (HEU Site 7–Jackel Properties)	1950 Highway 101	94 apartments; 3034- room boutique resort hotel; 18,261 SF mixed- use development

Table 3.0-1, continued

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

3.0 Environmental Analysis

Table 3.0-1, continued

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

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

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

Source: City of Encinitas February 2021; City of Encinitas 2013 - 2021 General Plan Housing Element Update; Local Transportation Analysis (LOS Engineering, 2022a; see [Appendix I-2](#)). As noted above, probable future projects include those for which an application is on file and in process at the time of issuance of the Notice of Preparation. Following the City's approval of the 2013 - 2021 Housing Element Update, including the Local Coastal Program Amendment and certification from the California Department of Housing and Community Development, several Housing Element sites are currently in process and have either filed or are in the process of filing an application. Of the sites included in the 2013 - 2021 HEU, five (including the proposed project) had filed an application at the time of issuance of the NOP for the project (February 15, 2021). As noted in [Table 3.0-1](#), these include Encinitas Boulevard Apartments, Quail Meadows Apartments, Sage Canyon Apartments, Sunshine Gardens Apartments, and the proposed project. One additional project, shown in [Table 3.0-2](#),

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

Point Farms (Echter Property) ~~has had~~ been approved by the City at the time the Draft EIR was prepared. The project received final City approval on February 17, 2021.

Table 3.0-2 Housing Element Update Sites¹

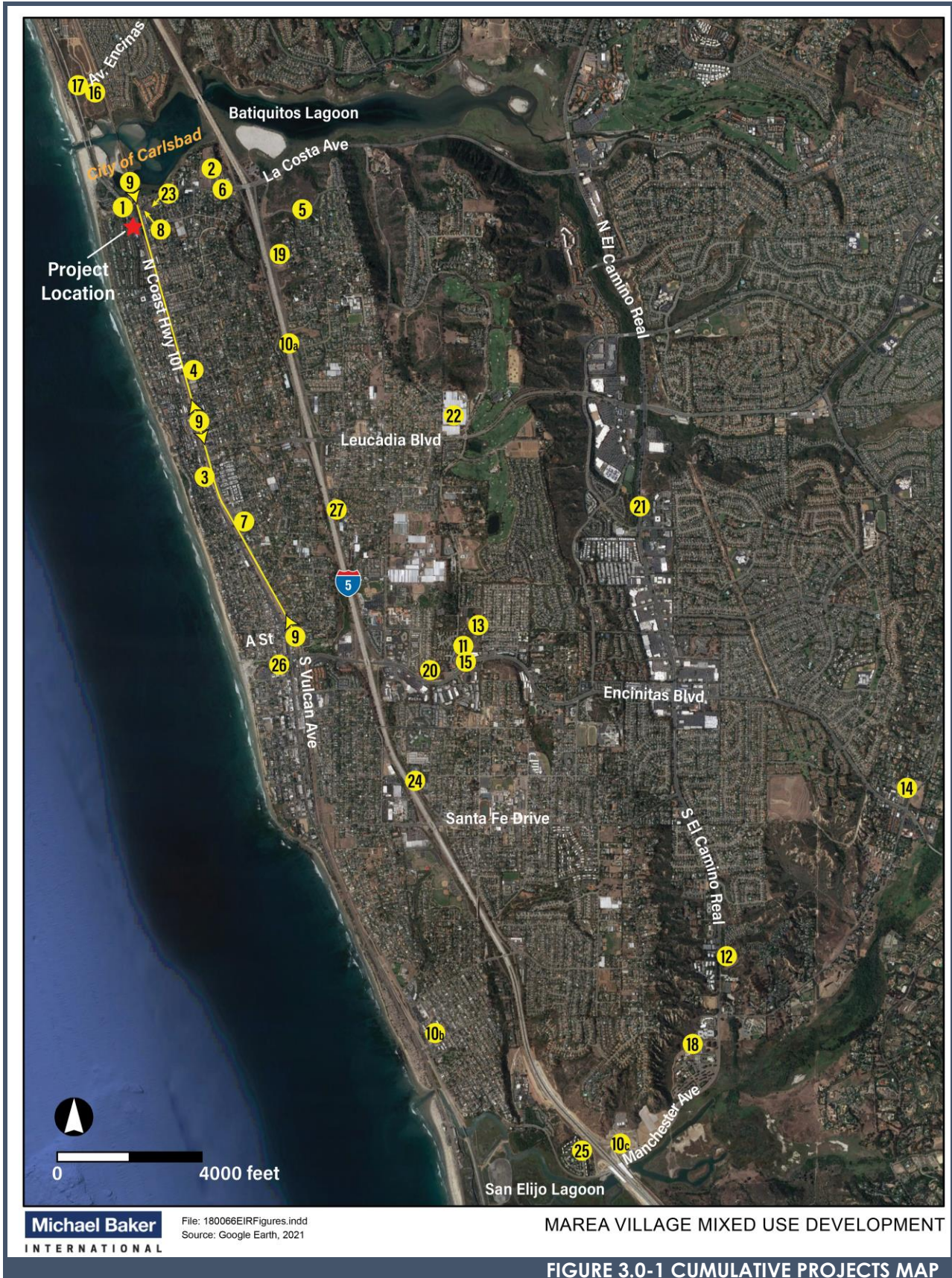
Map No.	Project Name	Location	Allocated DUs in HEU ²
18	Greek Church Parcel (Site 1)	3459 Manchester Avenue	50
19	Cannon Property (Site 2)	Piraeus Street	173
20	Encinitas Boulevard & Quail Garden Sites (Site 5)	696 & 550 Encinitas Blvd, Quail Gardens Drive	119
21	Armstrong Parcels (Sites 6 a,b)	N. El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

Notes: Source:

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

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

3.0 Environmental Analysis



Section 3.1 Aesthetics

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

As noted in Section 2.0, Project Description, subsequent to public review of the EIR, the project was redesigned to replace the left turn lane along northbound Highway 101 (as originally proposed) with a roundabout; refer to Figure 2.0-3B, Conceptual Roundabout Plan. The visual simulations provided herein depict the project as originally proposed (e.g., see Figures 3.1-7B to 7D). Viewers traveling along the roadway in either direction would therefore experience views of such circulation improvements within the Highway 101 right-of-way; however, due to the nature of the improvements, views from the key public vantage points analyzed herein are not anticipated to substantially change with the project as currently proposed.

The introduction of a roundabout versus a left turn lane would be experienced as circulation improvements occurring within the horizontal viewing plane (e.g., no vertical structures) and would not substantially differ in terms of the degree of visual change. Additionally, similar to that which would occur with the original project design, landscaping would be planted within the right-of-way to compliment the North Coast Highway 101 Streetscape Improvement Project. For these reasons, the proposed roundabout would not result in a significant impact on aesthetics resources.

ENVIRONMENTAL SETTING

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

3.1 Aesthetics

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

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

The northern portion of the Highway 101 corridor exhibits a strong presence of mature trees which surround and provide enclosure over the streets and walkways. There is a center median that provides a landscaped buffer, primarily eucalyptus trees, extending between Cadmus Street and La Costa Avenue. Many of the trees date back to the early settlers of the region, are over 100 years old, and provide an important role in defining the unique Community Character along the corridor (City of Encinitas 2017a).

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

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

Project Site

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use. Various supporting surface parking

areas and land that is undeveloped, yet disturbed, are also present on-site. Refer to [Figure 3.1-1A](#) which provides photographs of the project site.

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

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

The project site lies within the Coastal Overlay Zone, regulated by the City's Local Coastal Plan (LCP) which incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (i.e., building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

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

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

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

3.1 Aesthetics



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



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



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



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



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



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



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



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

3.1 Aesthetics



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



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



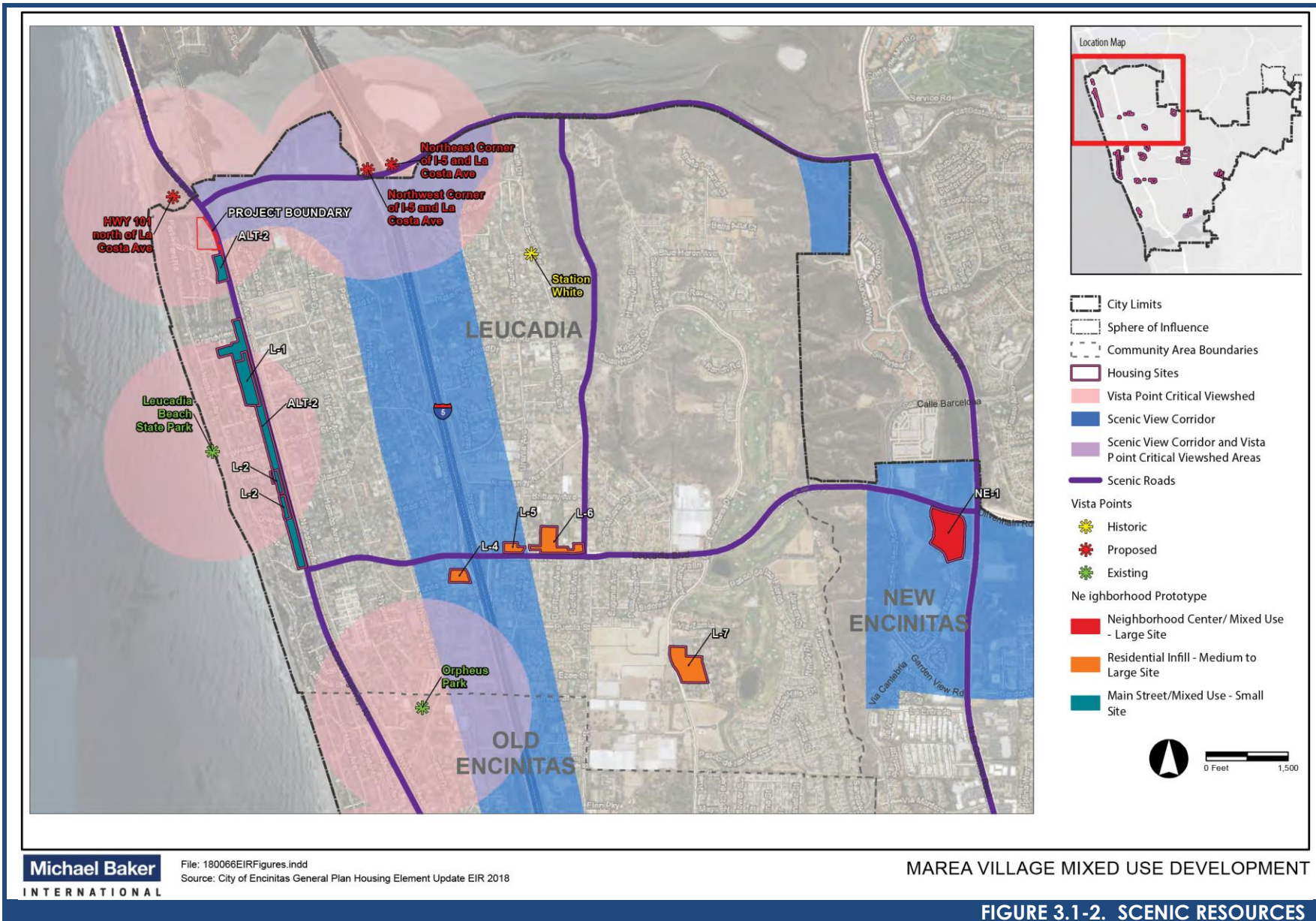
Photo 11: Existing commercial use located south of project site (west side of Highway 101).



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



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



MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 3.1-2. SCENIC RESOURCES

Project Viewshed

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

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

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

Viewer Response

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

Viewer Sensitivity

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

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

Viewer Groups

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

Viewer Exposure

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

Table 3.1-1 Viewer Groups and Anticipated Exposure

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

3.1 Aesthetics

Table 3.1-1, continued

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

Principal Viewpoints Considered (Key Views)

The project site would be intermittently visible from a number of public viewpoints in proximity to the project site. In the viewshed, varied views of the project site would largely occur from vehicles (or other modes of transit, such as bicycles or pedestrians) as they travel along Highway 101, La Costa Avenue, North Vulcan Avenue, and Andrew Avenue in the project vicinity. Views to the site from these streets would be influenced by intervening landscaping and development, as

well as viewing angle and distance to the site. Views from other area streets would be generally obstructed and the proposed development would therefore not be visible.

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

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

REGULATORY FRAMEWORK

Federal

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

State

Caltrans Scenic Highway Program

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

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

3.1 Aesthetics

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). Relevant goals and policies are listed below. Policy 4.7 of the General Plan Resource Management Element designates Highway 101 as a Scenic Highway.

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. (Coastal Act/30251)**

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

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

Policy 4.10: 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. (Coastal Act/30251)

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. (Coastal Act/30253)

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

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

Resource Management Element

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

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

3.1 Aesthetics

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

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

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

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

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

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

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

2013-2021 Housing Element Update

In March 2019, the City Council adopted the 2013-2021_Housing Element Update (HEU) which provides the City with a coordinated and comprehensive strategy for promoting the production

of safe, decent, and affordable housing for all within the City. The purpose of the HEU is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The HEU includes a series of discretionary actions to update and implement the City’s Housing Element. Relevant policies and goals related to aesthetics are provided below:

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

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

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

City of Encinitas Municipal Code

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

Scenic/Visual Corridor Overlay Zone

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

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

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

3.1 Aesthetics

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

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

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

City of Encinitas Urban Forest Management Program

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

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

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

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

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

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

Local Coastal Program (LCP)

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

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

The goals and policies of the LCP are intended to protect, maintain, and enhance the Coastal Zone environment; ensure balanced utilization and conservation; maximize public access to and along the coast; prioritize coastal-dependent and related development; and encourage coordinated

3.1 Aesthetics

state and local initiatives to implement beneficial programs and other educational uses. Any project in the Coastal Zone is subject to review by the City and/or the CCC.

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

Encinitas North 101 Corridor Specific Plan (N101SP)

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

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

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

Land Use

- Establish design guidelines and development regulations that encourage diverse, small-scale uses and family owned or operated businesses along the North Coast Highway 101 corridor;
- Encourage architectural diversity and a unique character along North Coast Highway 101;

- Enhance the overall image and streetscape in order to attract more visitors and shoppers to the corridor; and,
- Encourage land use buffers between incompatible uses such as commercial frontage adjacent to residential development.

City of Encinitas Design Guidelines

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

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

- 2.5.1 Generally, ground level view corridors should be provided from public streets. This requires space between buildings and/or development of landscaped areas that connect to open space.
- 2.5.2 Landscaped areas should be developed and plant materials selected so as to create and/or preserve view corridors.
- 2.5.3 Site planning for individual parcels shall consider internal view (for example, courtyards) as well as views looking outward.
 - A. Outward views should be framed with tree and shrub massing. Plantings should also soften views of the buildings from surrounding areas.
 - B. Where public streets are located at or below grade of development, the adjacent parkways and slopes should be landscaped with diverse plant materials to enhance motorists' views.
 - C. Parking areas adjacent to view corridors or streets shall be screened.

3.1 Aesthetics

- 2.5.4 Projects should be designed to preserve some of the significant views through the site. Projects should be designed to preserve significant public views. A significant public view is a view of a significant feature (ocean, lagoon or backcountry) as viewed from public parks and General Plan designated vista points and scenic view corridors. Trees and vegetation that are themselves part of the view quality should be retained.
- 2.5.5 Projects should be designed to preserve some of the significant views through the site enjoyed by residents of nearby properties.
- A. Complete preservation of these views is difficult, if not impossible. Project viability can be severely reduced or destroyed in an attempt to preserve views for adjacent properties. The smaller the site, the more difficult the solution. On larger sites, however, clustering the buildings can preserve portions of these views or creating view opportunities. The reckless and unnecessary blockage of views should be avoided to provide for some view preservation. View preservation through the site shall be considered when trees are selected for landscaping the project.
 - B. A significant view refers to a medium- to long range view from the primary living area of significant features including the coast, ocean, lagoons, backcountry canyons, valleys, ridges and other distinctive geographic features. The primary living area is the area most often occupied by the occupants of the residence relative to other portions of the residence and is where the view is observed. The determination of the primary living area is to be made on a case-by-case basis, but typically would be a living room, family room, kitchen, or dining area, or outdoor patio or deck immediately next to the primary living area.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

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

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

PROJECT IMPACTS AND MITIGATION

SCENIC VISTA

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

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

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

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

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

3.1 Aesthetics

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

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

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

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

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

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

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

Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update. Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic roads. Specifically, future development within scenic view corridors, along scenic highways, and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review approval and will also be considered for coastal development permit approval when the development on the site is formally proposed. Additionally, where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with Encinitas General Plan and LUP standards. Therefore, the Commission finds the proposed Housing Element Update consistent with the relevant Chapter 3 policies.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCENIC RESOURCES

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.

Highway 101 runs adjacent to the east of the project site. Highway 101 within San Diego County is not listed as eligible or listed State scenic highway. Therefore, the project site is not located within a State scenic highway (Caltrans 2021).

However, the City's General Plan Resources Management Element identifies Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach as a

3.1 Aesthetics

Scenic Highway/Visual Corridor (City 2016). This stretch of Highway 101 runs adjacent to the project site.

Although the site generally supports limited vegetation and highly disturbed and/or developed areas, there are a number of mature trees on-site. All existing trees identified on the project site and some ornamental trees within the center median of the Highway 101 right-of-way are proposed to be removed as part of project implementation; therefore, the project must comply with the requirements set forth in the City's Urban Forest Management Plan.

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

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

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

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

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

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

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 project's consistency with key zoning and other regulations governing scenic quality of the project site.

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

~~The As applicable, portions of the proposed project site subject to the R-30 overlay zone would be subject to City review for conformance with objective design requirements—measures identified in the Municipal Code for the R-30 overlay zone (i.e., for height, lot coverage, maximum~~

3.1 Aesthetics

square footage, etc.). The proposed project has been designed to meet all such applicable objective design requirements with the exception of maximum height (discussed further below). ~~Additional building height is needed to accommodate proposed commercial space within the mixed-use area and apartment units to result in cost reductions that would facilitate the provision of affordable housing (per the HEU) that could not be achieved with buildings of lesser height.~~

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

Incentive #1

Parcels 1 and 2: The incentive requested for Parcel 2 is an increase in the height limit for ~~B~~ buildings 4 and 6 (flat roof structures) to 40 feet 6 inches’-6” feet above finished grade. The existing height limit for Parcels 1 and 2 is 35 feet for flat roof structures and 39 feet for sloped roof structures as is determined by the R-30 Overlay. The increase in the height limit to 40 feet 6 inches’-6” feet (or 10 feet 5 inches above that allowed within the Coastal Zone) is required to accommodate the necessary commercial ceiling height; refer to Figure 2.0-3A, Site Plan.

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

Incentive #2

Parcel 3: The second incentive requested for Parcel 3 is an increase in the maximum allowable stories from 2 to 3 for Building 1. The zoning regulations under N-CRM-1 allow for 2-story

structures only. The request to increase the maximum allowable stories from 2 to 3 is required to accommodate the ground level commercial space.

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

Each component of the proposed project would be subject to design review by the City for architectural design and use of building materials to ensure consistency with the character of the surrounding neighborhoods, and for consistency with the design allowances of the Municipal Code (i.e., building height, lot coverage, maximum square footage, etc.) and. ~~Additionally, the project would be reviewed for conformance with applicable objective design measures identified in the N101SP, as applicable to the lands affected by the project as proposed.~~

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

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

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

3.1 Aesthetics

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

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

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

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

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

As shown in [Figure 3.1-5B](#), elements of the project would be visible from this vantage point as one travels southbound along Highway 101. Views would be limited to the buildings along the project frontage which would be partially obscured due to on-site topography and a proposed

frontage wall screened with landscaping in the northern portion of the site; refer to Figures 3.1-5B and 5C. ~~In the foreground, structures would be setback from the roadway, helping to reducing visual bulk and scale.~~ Although structures visible from this vantage point would range from 1 to 3 stories in height, the majority of the taller buildings proposed (with exception of Building 6) would be setback from the roadway, ~~and enhanced with landscaping,~~ thereby respecting a more pedestrian scale closer to Highway 101.

Views experienced by travelers along southbound Highway 101 would be influenced by travel speed (i.e., pedestrians would experience longer views than would a passenger in a vehicle), viewer awareness (i.e., heavy traffic or bicyclists which would require increase driver attentiveness), and degree of familiarity with the Leucadia community (i.e., resident versus visitor). As stated, the existing visual quality and character of the view experienced from this viewpoint is considered low to moderate due to the on-site conditions described above, combined with a lack of scenic resources (refer also to Impact 3.1-2).

The project would change the existing view from generally undeveloped land (as experienced in Figure 3.1-5A) to a higher intensity, developed condition. While the scale, density, and height of the proposed project would alter the existing view from this vantage point, the change in the view does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed, including adjacent to the north and south, as well as across North Vulcan Avenue to the east. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code, as applicable to the site (with exception of a minor increase in the requested increase in maximum allowed building height for Building 1 from two to three stories).

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

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

Key View 2: View looking north/northwest from east side of Highway 101 (just north of ~~proposed left turn pocket location~~ southern property boundary)

3.1 Aesthetics

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

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

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

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

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

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

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

While the scale, density, and height of the proposed project would alter the existing view from this vantage point, the change in the view does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed, including adjacent to the north and south, as well as across North Vulcan Avenue to the east. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code, as applicable to the site, with exception of a minor increase in maximum allowed height for Building 1.

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

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

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

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

3.1 Aesthetics

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

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

Existing views into the site from this vantage point include the residential uses to the west of the site (Seabluffe) located along the hillside; commercial uses and associated surface parking adjacent to the south; and the existing commercial uses in the southeastern portion of the subject site; refer to [Figure 3.1-7A](#). To the northeast/east, a number of mature Eucalyptus trees are present and existing surface parking adjacent to Highway 101 generally obscure views looking east.

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

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

As shown in [Figures 3.1-7C](#) and [3.1-7D](#), improvements occurring with the Streetscape Improvement Project would result in removal of the median landscaping and a higher degree of visibility of the project elements from Highway 101. As shown, views experienced would be

generally dominated by the Highway 101 northbound and southbound lanes in the foreground, with proposed mixed-use development in the middleground.

As designed, the smaller-scale structures of lesser height would be placed along the project frontage (with exception of Building 6), with buildings of ~~2-3 stories and~~ greater bulk and size (e.g., the residential and hotel uses) stepped back from the located within the interior of the property roadway to encourage a pedestrian scale. Additionally, as shown, a mixture of building styles, materials, and colors are proposed that would enhance and reflect the existing varied character found along the Highway 101 corridor, including adjacent to the north, south, and across North Vulcan Avenue to the east. Landscaping, both on-site and within the right-of-way would continue to mature over time and would further enhance the views experienced along the corridor.

Views experienced by travelers along northbound Highway 101 would be influenced by travel speed, viewer awareness, and degree of familiarity with the Leucadia community. As stated, the existing visual quality and character of the view experienced from this viewpoint is considered to be moderate. Although the proposed development would result in a change in the existing view experienced from this vantage point, the change does not rise to a level of significance because the proposed project would be similar to existing uses in the surrounding viewshed. Furthermore, the scale, density, and height of the project would be consistent with the City's General Plan and HEU, as well as the N101SP and Municipal Code, as applicable to the project site, with exception of a minor increase in maximum allowed height for Building 1.

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

Coastal Overlay Zone

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

The project has been designed in conformance with the requirements of the Coastal Overlay Zone to ensure the protection of coastal and scenic resources within the community. As described above, the project is not anticipated to restrict or affect any designated vista points within the City. As shown in the visual simulations prepared and discussed further above, the

3.1 Aesthetics

project would not adversely affect scenic views along the Highway 101 Scenic Corridor. The project would also provide pedestrian amenities that would link to off-site pedestrian pathways, thereby ensuring continued coastal access.

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

Encinitas North Highway 101 Corridor Specific Plan

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

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

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

To maintain eastern views from the existing Seabluffe residences (located adjacent to the west and south of the project site), the proposed residential buildings in the western portion of the site would be orientated with the long axis trending east/west, thereby creating view corridors

between the buildings. Finished grade for the residential buildings would be recessed below grade by one story to minimize the building height when viewed from the west.

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

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

~~Additionally, the~~ The community vision of the N101SP seeks to establish a streetscape enhancement program along the Highway 101 corridor. The N101SP establishes the overall design theme for the corridor which is to create “a strong sense of community identity through the use of consistent design elements and details, while reinforcing the character of old town Leucadia.” Development standards in the N101SP include permitted uses, setback distances from adjacent lots and streets, building heights, lot coverage, and parking requirements. The proposed project has been designed consistent with the design measures of the N101SP, as applicable to the subject site, to ensure that the project does not adversely affect the scenic quality of the existing setting.

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

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

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

Based on the mapping provided by the City of Encinitas Tree Tracker, the trees within the project boundary are not considered to be protected trees. However, the North Coast Highway 101 right-

3.1 Aesthetics

of-way appears to contain a number of City Trees (City of Encinitas 2021). Such trees contribute to the existing visual setting and character along the Highway 101 corridor.

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

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

Summary

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

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

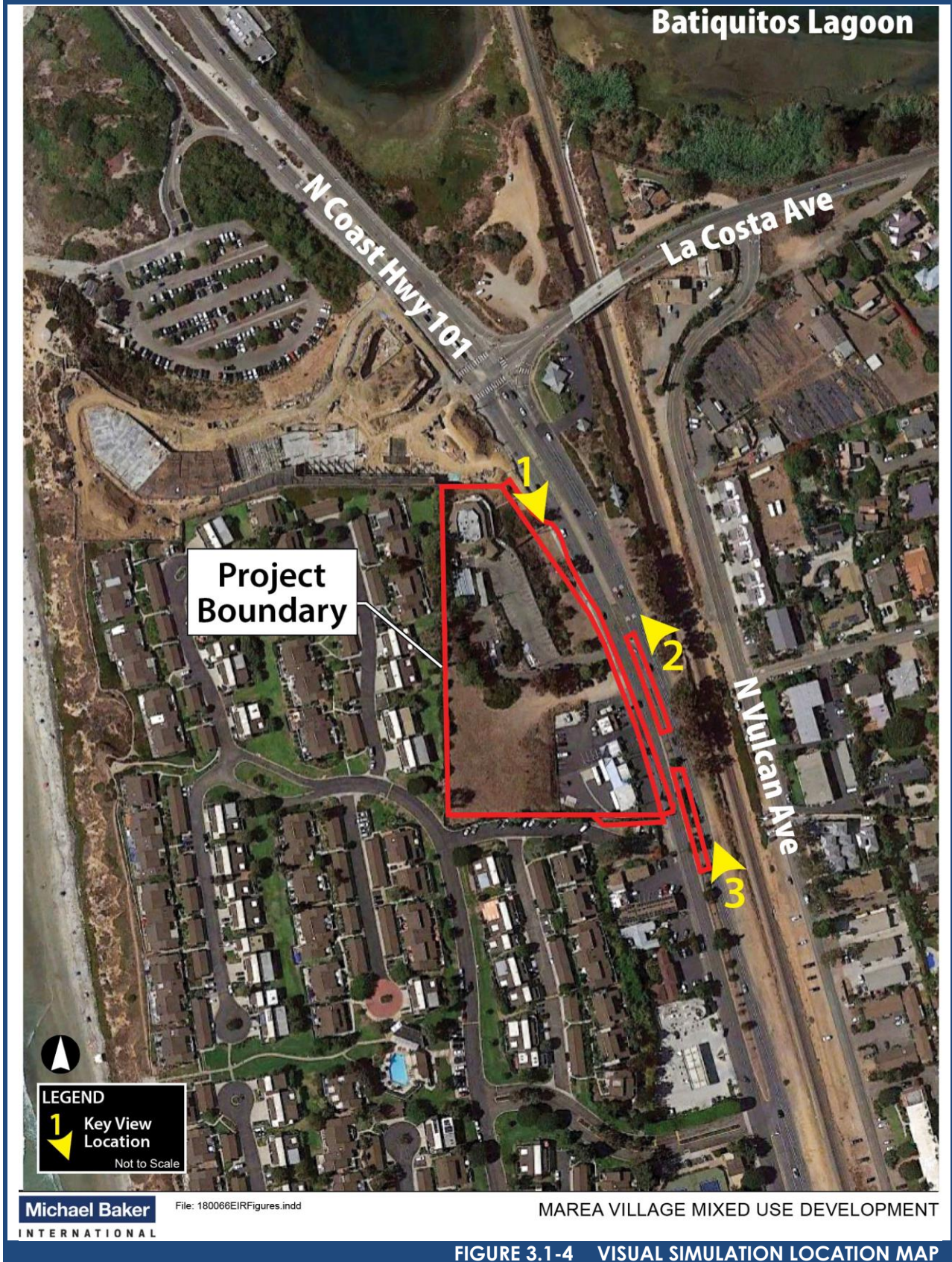


Composite 1:
Illustrative rendering looking south/southwest to project site from southeast corner of La Costa Avenue and Highway 101 intersection.



Composite 2:
Illustrative rendering looking north/northwest to project site from northbound Highway 101.

3.1 Aesthetics





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

3.1 Aesthetics



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

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MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 3.1-5B KEY VIEW 1B



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

Michael Baker
INTERNATIONAL

File: 180066EIRFigures.indd

MAREA VILLAGE MIXED USE DEVELOPMENT

FIGURE 3.1-5C KEY VIEW 1C

3.1 Aesthetics



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



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

3.1 Aesthetics



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



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

3.1 Aesthetics



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



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

3.1 Aesthetics



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

[NOTE: This figure depicts the proposed circulation improvements along Highway 101 at the time of preparation of the Draft EIR. Subsequent to public review, the project design was revised to include a roundabout which will replace the left turn lane originally proposed with the project.](#)



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

[NOTE: This figure depicts the proposed circulation improvements along Highway 101 at the time of preparation of the Draft EIR. Subsequent to public review, the project design was revised to include a roundabout which will replace the left turn lane originally proposed with the project.](#)

3.1 Aesthetics



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

CREATE NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE

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

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

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

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

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

3.1 Aesthetics

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

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

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

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

Impacts would be less than significant.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

Geographic Scope

The cumulative setting for aesthetics consists of existing and future uses within the proposed project’s viewshed. The community of Leucadia generally offers an urbanized visual setting, particularly along the Highway 101 corridor. The City’s General Plan and Municipal Code, in combination with other regulatory planning documents and ordinances, provide guidance for the types of allowable development in Encinitas, thereby influencing future land uses and the overall character at buildout.

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

Potential Cumulative Impacts

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

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

3.1 Aesthetics

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

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

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

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

Furthermore, the height, mass, scale of the project elements would be respective of the community character and in conformance with existing regulations (with exception of a limited

increase in maximum building height for Buildings 1, 4, and 6b). The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping, as well as angle and distance of view, viewing location, and viewer familiarity.

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

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

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

All cumulative projects in the vicinity of the proposed project, and development of other future land uses in the surrounding viewshed, would be conditioned by the City's discretionary review process on a site-specific basis to avoid, reduce, and mitigate significant visual impacts relative to the proposed improvements. In combination with other cumulative projects and with development of other future land uses in the surrounding area, the proposed project would not result in a significant impact to scenic vistas, damage scenic resources on the project site, conflict

3.1 Aesthetics

with measures for the protection of scenic resources, or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the project's contribution to impacts on aesthetic resources is considered **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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

This section is based on technical data presented in the *Air Quality Technical Memorandum* prepared by Michael Baker International (2022a~~1~~; see [Appendix B](#)) and *Local Transportation Analysis*, prepared by LOS Engineering, Inc. (~~2020~~2022b, see [Appendix L-2](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

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

Topography

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

Meteorology and Climate

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

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

3.2 Air Quality

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 Ana winds 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 Ana winds are weak, local air quality may be adversely affected.

Sensitive Receptors

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

Air Pollutants of Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as criteria air pollutants and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), lead, and fugitive dust are primary air pollutants.

Of these, CO, SO₂, PM₁₀, 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 [O₃] is formed by a chemical reaction between ROG and NO_x in the presence of sunlight). Ozone and nitrogen dioxide (NO₂) are the principal secondary pollutants.

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

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

Pollutant	California Standard	Federal Primary Standard	Year	Maximum Concentration ⁵³	Days (Samples) State/Federal Std. Exceeded
Ozone (O ₃) ¹ (1-hour)	0.09 ppm for 1 hour	NA ⁶⁸	<u>2018</u> <u>2019</u> 2020 <u>2016</u> <u>2017</u> <u>2018</u>	<u>0.102</u> ppm <u>0.083</u> 0.123 <u>0.079</u> <u>0.075</u> *	<u>1/0</u> <u>0/0</u> 2/0 <u>0</u> <u>0/0</u> *
Ozone (O ₃) ¹ (8-hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	<u>2018</u> <u>2019</u> 2020 <u>2016</u> <u>2017</u> <u>2018</u>	<u>0.077</u> ppm <u>0.075</u> 0.120 <u>0.071</u> <u>0.061</u> *	<u>5/5</u> <u>1/1</u> 12/10 <u>1/1</u> <u>0/0</u> *
Carbon Monoxide (CO) ² (1-hour)	20 ppm for 1 hour	35 ppm for 1 hour	<u>2018</u> <u>2019</u> 2020 <u>2016</u> <u>2017</u> <u>2018</u>	<u>1.900</u> ppm <u>4.100</u> 3.300 <u>2.000</u> <u>2.000</u> <u>1.900</u>	0/0 0/0 0/0
Nitrogen Dioxide (NO ₂) ^{2,3}	0.18 ppm for 1 hour	0.100 ppm for 1 hour	<u>2018</u> <u>2019</u> 2020 <u>2016</u> <u>2017</u> <u>2018</u>	<u>0.055</u> ppm <u>0.054</u> 0.054 <u>0.072</u> <u>0.063</u> <u>0.048</u>	0/0 0/0 0/0
Fine Particulate Matter (PM _{2.5}) ^{4,5,6,7}	No Separate Standard	35 µg/m ³ for 24 hours	<u>2018</u> <u>2019</u> 2020 <u>2016</u> <u>2017</u> <u>2018</u>	* <u>18.9</u> µg/m ³ 40.2 <u>28.8</u> <u>26.0</u> <u>30.5</u>	* <u>*/0</u> <u>*/1</u>
Particulate Matter (PM ₁₀) ^{4,5,6,7}	50 µg/m ³ for 24 hours	150 µg/m ³ for 24 hours	2016 <u>2018</u> <u>2017</u> <u>2019</u> 2018 <u>2020</u>	<u>38.0</u> µg/m ³ * <u>36.0</u> <u>47.0</u> <u>38.0</u>	0/0 0/0* 0/0*

ppm = parts per million; PM₁₀ = particulate matter 10 microns in diameter or less; µg/m³ = micrograms per cubic meter; PM_{2.5} = particulate matter 2.5 microns in diameter or less; NA = not applicable; * = insufficient data available to determine the value

Notes:

1. Data collected from the ~~Del Mar Mira Costa College~~ San Diego-Kearny Villa Road Monitoring Station located at ~~215 9th Street, Del Mar~~ 6125A Kearny Villa Road, San Diego CA, 92145044.
2. Data collected from the San Diego-11403-Rancho Carmel Drive Monitoring Station located at 11403 Rancho Carmel Drive, San Diego CA 92128.
3. ~~Data collected from the Camp Pendleton Monitoring Station located at 21441 West B Street, Camp Pendleton CA 92049.~~
4. ~~Data collected from the San Diego Kearny Villa Road Monitoring Station located at 6125A Kearny Villa Road, San Diego CA 92145.~~
5. Maximum concentration is measured over the same period as the California Standards.
6. PM₁₀ exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002.
7. PM₁₀ and PM_{2.5} exceedances are derived from the number of samples exceeded, not days.
8. The Federal standard was revoked in June 2005.

Sources: Michael Baker Inc., *Air Quality Technical Memorandum (2022a; see Appendix B)*

3.2 Air Quality

Coronavirus Disease 2019

Coronavirus Disease 2019 (COVID-19) is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans. There are many types of human coronaviruses, including some that commonly cause mild upper-respiratory tract illnesses. COVID-19 is a respiratory illness that can spread from person to person. According to the Center for Disease Control (CDC), older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness. Symptoms may appear 2 to 14 days after the exposure to the virus and may include, but are not limited to: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea (CDC 2020a). According to the CDC, COVID-19 is believed to spread between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs, sneezes, or talks (CDC 2020b).

REGULATORY FRAMEWORK

Federal and State

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

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. The CAAQS describe adverse conditions; that is, pollution levels must be below these standards before an air basin can attain the standard. Air quality is considered “in attainment” if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O₃, CO, SO₂ (1-hour and 24-hour), NO₂, PM₁₀ 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)	—	—
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/m³ = micrograms per cubic meter; CO = carbon monoxide; mg/m³ = milligrams per cubic meter; NO₂ = nitrogen dioxide; O₃ = ozone; PM₁₀ = 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; SO₂ = sulfur dioxide

3.2 Air Quality

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
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: Michael Baker Inc., *Air Quality Technical Memorandum (2022a; see Appendix B)*
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 PM₁₀ 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,

3.2 Air Quality

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

Emissions	Pollutant					
	ROG ¹	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Daily Maximum (lbs/day)	75	250	550	250	100	67
Annual (tons/year)	13.7	40	100	40	15	10

Notes: ROG = reactive organic gases; NO_x = nitrogen oxides; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = particulate matter up to 10 microns; PM_{2.5} = particulate matter up to 2.5 microns; lbs = pounds

1. SDAPCD Rule 20.2 does not establish threshold for ROG. Therefore, the threshold of significance for ROG from the South Coast Air Quality Management District is used. The ROG annual emissions threshold is calculated from 75 lbs/day multiplied by 365 days/year and divided by 2000 lbs/ton.

Source: Michael Baker Inc., *Air Quality Technical Memorandum (2022a; see Appendix B)*

Other SDAPCD Rules and Regulations

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

SDAPCD Regulation XIV (Title V Operating Permits) contains the requirements for implementing the Title V permit program. The program requires all major sources of criteria air contaminants, all major sources of hazardous air pollutants, all sources that emit more than 100 tons per year of any regulated air contaminant, and certain other specified sources to obtain Title V permits. Permits are issued pursuant to Regulation XIV and incorporate state and local requirements that are contained in existing SDAPCD permits for these sources. Examples of operations that require

permits are surface coating operations, adhesive materials application, automotive refinishing operations, dry cleaning operations, fiberglass or plastic product manufacturing, and gas stations.

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

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

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

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

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

3.2 Air Quality

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.

San Diego County Department of Environmental Health

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

Local

City of Encinitas General Plan

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

Resource Management Element

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

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

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

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

Encinitas North 101 Corridor Specific Plan (N101SP)

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

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

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

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

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AIR QUALITY PLAN

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 within the San Diego Air Basin and is regulated by the SDAPCD. As described above, the SIP and RAQS are the applicable air quality plans for the SDAPCD. Consistency with the SIP and RAQS means that a project is consistent with the goals, objectives, and assumptions set forth in the SIP and RAQS that are designed to achieve Federal and State air quality standards.

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

the HEU EA to ensure that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP.

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

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSE SENSITIVE RECEPTORS TO POLLUTANTS

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

3.2 Air Quality

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) version 2020.4.0, as well as the CARB's Emission Factor Model 2017 (EMFAC2017). CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, and proposed uses.

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

Demolition and construction of the project is expected to occur over an approximately ~~16.5~~¹⁵-month period. CalEEMod provides default assumptions regarding horsepower rating, load factors for heavy equipment, and hours of operation per day. Default assumptions in CalEEMod and assumptions for similar projects were used to represent operation of heavy construction equipment. Construction calculations in CalEEMod utilize the numbers and types of equipment are further discussed in the Air Quality Technical Memorandum (Appendix B).

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

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

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

Emissions Source	Pollutant (pounds/day) ¹					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Year 1						
Construction Related Emissions ²	8.0812.39	95.4162.27	70.4859.13	0.200.13	6.834.81	3.872.69
Year 2						
Construction Related Emissions ²	14.0312.26	82.7320.59	68.7530.01	0.200.05	9.112.48	4.091.28
SDAPCD Thresholds	75	250	550	250	100	67
Is Threshold Exceeded?	No	No	No	No	No	No

Notes:

1. Emissions were calculated using CalEEMod, version 2016.3.22020.4.0. Winter emissions represent worst-case.
2. Modeling assumptions include compliance with standard dust control measures (water exposed surfaces three times daily) and SDAPCD Rule 67.0.1 (architectural coatings with ROG content of less than 50 grams per liter for flat coatings and 100 grams per liter for non-flat coatings).

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

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

Long-Term (Operational) Emissions

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

Mobile Source Emissions

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, SO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern (NO_x and ROG react with sunlight to form O₃ [photochemical smog], and wind currents readily transport SO_x, PM₁₀, and PM_{2.5}); however, CO tends to be a localized pollutant, dispersing rapidly at the source.

Table 3.2-7, Long-Term Operational Air Emissions, presents the anticipated mobile source emissions. As shown in Table 5, emissions generated by vehicle traffic associated with the project would not exceed established SDAPCD thresholds. In addition, consistent with General Plan

3.2 Air Quality

Policy 3.11, the project would include bicycle parking spaces on-site to encourage bicycle travel. Impacts from mobile source air emissions would be **less than significant**.

Area Source Emissions

Area source emissions would be generated from consumer products, architectural coating, and landscaping. As required, all architectural coatings for the proposed project structures would comply with SDAPCD Rule 679.0.1 – Architectural Coating. As shown in Table 3.2-7, area source emissions from the proposed project would not exceed SDAPCD thresholds for ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. ~~The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Per City regulations, it is assumed that natural gas use would be limited to the proposed restaurant uses.~~ As a design feature, the project would install high efficiency lighting fixtures. In addition, although not quantified and included in Table 3.2-7, the project would install solar panels capable of generating 250 kilowatt (kW) of solar power ~~panels on-site~~, which would be consistent with General Plan Policy 15.1, Policy 15.2, and Policy 15.3. As shown in Table 3.2-6, energy source emissions from the proposed project would not exceed SDAPCD thresholds for ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}.

Table 3.2-6 Long-Term Operational Air Emissions

Emissions Source	Pollutant (lbs/day) ¹					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Existing Conditions Summer Emissions						
Area Source Emissions	0.1021	<0.0100	<0.01	0.00	0.00	0.00
Energy Emissions ²	<0.01	<0.0106	<0.051	<0.01	<0.01	<0.01
Mobile Emissions ³	2.11179	2.64177	14.0515.44	0.034	3.19408	0.861.11
Total Emissions ⁴	2.2100	2.641.83	15.494.05	0.034	4.083.19	0.871.11
Proposed Project Summer Emissions						
Area Source Emissions	3.301	1.49	8.389	≤0.01	0.16	0.16
Energy Emissions ²	0.1008	0.8572	0.6051	<0.01	0.076	0.076
Mobile Emissions ³	5.474.22	5.066.41	44.5134.19	0.0910	9.8410.09	2.6775
Total Emissions ⁴	8.867.61	7.408.62	53.5043.09	0.112	10.0630	2.8996
Net Increase of Total Emissions ⁴	5.616.65	5.5798	38.0129.04	0.08	6.8227	2.021.85
SDAPCD Threshold	75	250	550	250	100	67
Is Threshold Exceeded?	No	No	No	No	No	No

Table 3.2-6, continued

Emissions Source	Pollutant (lbs/day) ¹					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Existing Conditions Winter Emissions						
Area Source Emissions	0.100.21	0.00<0.01	0.00<0.01	0.00	0.00	0.00
Energy Emissions ²	<0.01	0.06<0.01	0.05<0.01	0.00<0.01	0.00<0.01	0.00<0.01
Mobile Emissions ³	2.041.87	1.922.82	16.2714.21	0.034	4.083.19	1.110.86
Total Emissions ⁴	2.142.08	2.821.98	14.2116.32	0.034	4.083.19	1.110.87
Proposed Project Winter Emissions						
Area Source Emissions	3.301	1.49	8.389	≤0.01	0.16	0.16
Energy Emissions ²	0.080.10	0.720.85	0.510.60	<0.01	0.076	0.076
Mobile Emissions ³	4.405.31	6.865.49	34.4546.20	0.0910	10.099.84	2.672.75
Total Emissions ⁴	7.798.70	9.077.83	43.3455.19	0.101	10.0630	2.892.96
Net Increase of Total Emissions ⁴	5.716.56	6.255.85	29.1338.87	0.07	6.226.87	2.021.85
SDAPCD Threshold	75	250	550	250	100	67
Is Threshold Exceeded?	No	No	No	No	No	No

Notes:

1. Emissions were calculated using CalEEMod, version 2020.4.0.16.3.2 and the California Air Resources Board Emission Factor model 2017 (EMFAC2017).
2. As a design feature, the project would install high efficiency lighting fixtures.
3. The mobile source emissions were calculated using the trip generation data provided in the LOS Engineering, Inc., City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, dated ~~July 23, 2021~~; updated ~~January 2021~~ ~~November 12, 2020~~.
4. The numbers may be slightly off due to rounding.

Source: Michael Baker Inc., *Air Quality Technical Memorandum* (2022a; Appendix B)

Total Operational Emissions

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

Health Risk

Construction

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

3.2 Air Quality

minutes. Implementation of these regulations would reduce the amount of DPM emissions from ~~the project construction of the project.~~

The closest sensitive receptors to the project site are multi-family residential development located adjacent to the west and south of the project site. However, health impacts on sensitive receptors associated with exposure to DPM from project construction are anticipated to be less than significant because construction activities are expected to last approximately 16.5 months, which is occur—well below the 30-year exposure period used in health risk assessments. Additionally, emissions would be short-term and intermittent in nature, and therefore would not generate TAC emissions at high enough exposure concentrations to represent a health hazard.

As a comparison, the construction health risk assessment modeling for a similar project, Signal Hill Business Park, was considered. Construction of the Signal Hill Business Park project would last for approximately 18 months and generate an average of 1.06 pounds per day of on-site exhaust PM₁₀ emissions. Sensitive receptors are located adjacent to the project site, and the modeled maximum cancer risk and non-cancer risk were 7.40 in one million and 0.0922, respectively, which were below the 10 in one million significance threshold for cancer risk and the non-cancer risk threshold of one (City of Signal Hill 2021). According to the CalEEMod output, construction of the proposed project would last for approximately 16.5 months and generate an average of 3.65 pounds per day of on-site exhaust PM₁₀ emissions. Therefore, due to similar level of emissions and shorter construction duration, the project is expected to cause lower cancer and non-cancer risks than the Signal Hill Business Park project, and would not exceed the significance thresholds. As such, construction of the proposed project would result in less than significant health risks to nearby sensitive receptors. Therefore, construction of the proposed project is not anticipated to result in an elevated cancer risk to nearby sensitive receptors.

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

components of the proposed project that could reasonably be expected to exacerbate the existing COVID-19 pandemic. Impacts related to COVID-19 are **less than significant**.

Operations

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

Carbon Monoxide Hotspots

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

A potential CO hotspot may occur at any location where the background CO concentration already exceeds 20 parts per million (ppm), which is the 1-hour California ambient air quality standard. As shown in Table 3.2-1, the closest monitoring station to the project site that monitors CO concentration is the San Diego ~~11403~~ Rancho Carmel Drive Monitoring Station, and the maximum CO concentration was measured at ~~1.900~~3.3 ppm in ~~2020~~18. Given that the background CO concentration does not currently exceed 20 ppm, a CO hotspot would not occur at the project site (Appendix B). Therefore, impacts associated with hotspots would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

OTHER EMISSIONS SUCH AS THOSE LEADING TO OBJECTIONABLE ODORS

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**.

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 3.0--1](#) and [Figure 3.0-1](#) in [Section 3.0, Environmental Analysis](#), of this EIR.

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

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

Potential Cumulative Impacts

As shown in [Table 3.2-3](#), the SDAPCD is in federal nonattainment status for ozone (8-hour) and state nonattainment status for ozone (8-hour and 1-hour), PM₁₀, 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

3.2 Air Quality

emissions would not exceed the SDAPCD significance thresholds. Other projects included in the cumulative project list would similarly be required to evaluate if such projects would exceed significance thresholds and contribute to an overall cumulative air impact in the basin.

As noted above, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. Other cumulative projects would similarly analyze their projected construction and operation air emissions to determine if the project exceeds the SDAPCD thresholds. If the other cumulative projects do not exceed SDAPCD thresholds for construction and operational air emissions, the projects would have a less than significant impact for air quality health impacts as well. Additionally, as construction emissions identified in [Table 3.2-6](#) are low relative to standards, simultaneous construction of the cumulative projects would cause a less than significant cumulative impact on air quality (refer also to [Appendix B](#)).

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

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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

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

ENVIRONMENTAL SETTING

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

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

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

3.3 Biological Resources

Literature Review

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

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

Field Reconnaissance

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

Existing Conditions

Biological Setting for the Survey Area

Vegetation Communities

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

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

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

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

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

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

Disturbed

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

Developed

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

Ornamental

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

3.3 Biological Resources

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

Wildlife

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

Fish

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

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable breeding habitat for amphibians were observed within the survey area during the field surveys.

Reptiles

Two (2) reptile species were observed in the survey area during the field surveys, Great Basin fence lizard (*Sceloporus occidentalis longipes*) and western side-blotched lizard (*Uta stansburiana elegans*). The survey area consists primarily of disturbed areas, ornamental vegetation, and developed areas and is expected to provide marginal habitat for a limited number of reptilian species that are acclimated to edge or urban environments such as southern alligator lizard (*Elgaria multicarinata*).

Birds

Seventeen (17) bird species were detected during the field surveys, some of which included American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), Cassin's kingbird (*Tyrannus vociferans*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigra*), and mourning dove (*Zenaida macroura*).

Nesting birds are protected pursuant to the Federal Migratory Bird Treaty Act (MBTA) of 1918 and the California Fish and Game Code (CFG). To maintain compliance with the MBTA and CFG, clearance surveys are typically required prior to any ground disturbance or vegetation removal

activities to avoid direct or indirect impacts to active bird nests and/or nesting birds. Consequently, if an active bird nest is destroyed or if project activities result in indirect impacts (e.g., nest abandonment, loss of reproductive effort) to nesting birds, it is considered “take” and is potentially punishable by fines and/or imprisonment. The survey area provides nesting habitat for year-round and seasonal avian residents that could occur in the area. This includes species that nest in shrubs or trees (e.g., house finch, mourning dove) and species that nest on the open ground (e.g., killdeer (*Charadrius vociferus*)). No nests or birds displaying overt nesting behavior were observed.

Mammals

Mammals were not observed during the field survey, but scat from desert cottontail (*Sylvilagus audubonii*) and coyote were identified on the survey area. The survey area and surrounding habitat provides suitable habitat for a limited number of mammalian species adapted to living in edge or urban environments. Bats occur throughout most of southern California and bats spilling over from Batiquitos Lagoon may use the survey area as foraging habitat. Common bat species that may forage within the survey area include Mexican free-tailed bat (*Tadarida brasiliensis*) and big brown bat (*Eptesicus fuscus*).

Michael Baker biologists examined the trees within the survey area that may be disturbed by project activities. No evidence was observed of bats roosting within the trees in the survey area. There are some trees that could potentially serve as roosting habitat, but no guano or sign of use was observed anywhere under or in the immediate vicinity of these areas, indicating there are currently no active roosts within the trees located in the survey area.

Migratory Corridors and Linkages

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The survey area is located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. The on-site and surrounding

3.3 Biological Resources

development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the survey area to be used as a wildlife movement corridor.

State and Federal Jurisdictional Areas

There are three agencies that regulate activities within inland streams, wetlands, and riparian areas in California: the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (Regional Board), and the CDFW. However, only the Regional Board and the CDFW regulate said activities in the vicinity of the survey area. Of these two State agencies, the Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated vegetation communities under Section 1600 et seq. of the CFGC.

In addition, for projects located within the Coastal Zone, the California Coastal Commission (CCC) plans and regulates the use of land and water in the Coastal Zone pursuant to the Coastal Act of 1976. Development projects, which are broadly defined by the California Coastal Act, generally require a coastal development permit from either the CCC or the local government. The City of Encinitas has a certified Local Coastal Program. Where a Local Coastal Program has been certified by the CCC, the local jurisdiction has permit issuance authority for Coastal Development Permits.

Based on a review of aerial photographs, USGS quadrangle maps, and observations made during the 2020 field survey jurisdictional drainage features were not identified in the survey area. Therefore, no formal jurisdictional delineation needs to be conducted prior to project implementation to quantify impacts and determine the proper regulatory approvals that would be needed (i.e., Corps Section 404 permit, Regional Board Section 401 Water Quality Certification, CDFW Section 1602 Lake or Streambed Alteration Agreement, and Coastal Development Permit).

Sensitive Habitats

Sensitive habitats include the following:

- Areas of special concern to resource agencies
- Areas that provide habitat for rare or endangered species which meet the definition of Section 15380 of the California Environmental Quality Act (CEQA) Guidelines
- Areas designated as sensitive natural communities by the California Department of Fish and Wildlife (CDFW)

- Areas outlined in California Fish and Game Code (FGC) Section 1600
- Areas regulated under Clean Water Act Section 404
- Areas protected under Clean Water Act Section 401
- Areas protected under local regulations and policies

Critical habitat is a term from the Federal Endangered Species Act (FESA) designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species. Critical habitat is designated by the USFWS.

If a project may result in take or adverse modification to a species' designated Critical Habitat and the project has a federal nexus, the project proponent may be required to provide suitable mitigation. Projects with a federal nexus may include projects that occur on federal lands, require federal permits [e.g., Clean Water Act (CWA) Section 404 permit], or receive any federal oversight or funding. If there is a federal nexus, then the federal agency that is responsible for providing funds or permits would be required to consult with the USFWS under the FESA.

The project site is not located within federally designated Critical Habitat. Therefore, consultation with the USFWS under Section 7 of the FESA would not be required for the loss or adverse modification of Critical Habitat (see [Appendix C-1](#)).

Special-Status Species

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

- Listed, proposed, or candidates for listing under the Federal ESA (50 Code of Federal Regulations [CFR] 17.11 – listed; 61 Federal Register 7591, February 28, 1996, candidates)
- Listed or proposed for listing under the California ESA (FGC 1992 Section 2050 et seq.; 14 California Code of Regulations [CCR] Section 670.1 et seq.)

3.3 Biological Resources

- Designated as Species of Special Concern by the CDFW
- Designated as Fully Protected by the CDFW (FGC Sections 3511, 4700, 5050, and 5515)
- Species that meet the definition of rare or endangered under CEQA (14 CCR Section 15380) including CNPS List Rank 1b and 2

Sensitive Plants

Eighty special-status plant species have been recorded in the USGS *San Marcos, San Luis Rey, Rancho Santa Fe, and Encinitas, California* 7.5-minute quadrangles by the California Natural Diversity Database (CNDDDB) and CNPS Online Inventory (refer to [Appendix C-1](#)). No special-status plant species were observed during the field surveys. Based on the results of the field surveys and a review of specific habitat preferences, distributions, and elevation ranges, it was determined that the project site has a low potential to support decumbent goldenbush (California Rare Plant Rank [CRPR] 1B.2). All remaining special-status plant species identified by the CNDDDB and CNPS databases are not expected to occur within the project site (see [Appendix C-1](#)).

Sensitive Wildlife

Fifty-one special-status wildlife species have been recorded in the USGS *San Marcos, San Luis Rey, Rancho Santa Fe, and Encinitas, California* 7.5-minute quadrangles by the CNDDDB and the USFWS Information for Planning and Consultation (IPaC). Special-status wildlife species were not observed within the project site during the field surveys.

Based on the results of the field surveys and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the project site has a high (foraging and nesting) potential to support northern harrier (a CDFW Species of Special Concern) and California horned lark (a CDFW Watch List species), and a low potential to support yellow warbler (a CDFW Species of Special Concern). All remaining special-status wildlife species identified by the CNDDDB and IPaC are not expected to occur within the project site.

Special-Status Vegetation Communities

Ten special-status vegetation communities were reported in the USGS *Lancaster West, Lancaster East, Ritter Ridge, and Palmdale, California* 7.5-minute quadrangles in the CNDDDB that include Maritime Succulent Scrub, San Diego Mesa Claypan Vernal Pool, San Diego Mesa Hardpan Vernal Pool, Southern Coastal Salt Marsh, Southern Cottonwood Willow Riparian Forest, Southern Maritime Chaparral, Southern Riparian Forest, Southern Riparian Scrub, Southern Sycamore Alder Riparian Woodland, and Southern Willow Scrub. No special-status vegetation communities were observed on the project site during the field surveys.

Environmentally Sensitive Habitat Area (ESHA)

The City of Encinitas lies within the Coastal Zone established under the California Coastal Act. The designated areas within the Coastal Zone are considered to have many special natural and scenic qualities that require protection. The City's General Plan serves as a certified Local Coastal Program (LCP) under the California Coastal Commission (CCC), amended in 1995, and thereby can issue Coastal Development Permits for projects under their jurisdiction. Policies under the General Plan/LCP determine whether an area is considered environmentally sensitive in order to identify and maintain habitat areas in their natural state as necessary for the preservation of species. The California Coastal Act provides a definition of "Environmentally Sensitive Habitat Area" (ESHA) as:

"Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." (Section 30107.5)

Additionally, Goal 10 of the City's General Plan states:

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

Overall, three parameters are used to determine ESHA. First, a geographic area can be designated ESHA due to the presence of individual species of plants or animals or due to the presence of a particular habitat. Second, in order for an area to be designated as ESHA, the species or habitat must be either rare or it must be especially valuable. Third, the area must be easily disturbed or degraded by human activities based on its pristine condition.¹

Based on the September 2020 field survey, the survey area is heavily disturbed, fragmented and constrained by the adjacent and surrounding development. The vegetation communities present within the survey area have been disturbed and fragmented due to surrounding anthropogenic activities and the existing land uses, reducing the potential for the survey area to provide suitable habitat for special-status biological resources. The existing condition of the survey area is neither pristine in character, physically complex or biologically diverse. Additionally, the project site does not include the habitat types outlined in the General Plan's Preservation of Environmentally Sensitive Habitats.

¹ John Dixon memo to Ventura Coastal staff regarding ESHA in the Santa Monica Mountains, dated March 25, 2003.

3.3 Biological Resources

Additionally, the survey area provides limited resources for special-status biological resources and does not provide high value habitat. ESHA's are considered valuable based on their "special nature," such as their pristine conditions, containing a variety of species, or supporting a specific species at the edge of their range. The survey area does not exhibit these qualities, and instead is in a degraded state with a limited variety of native species. While the survey area does contain minimal habitat for special status species, the existing condition would not currently support the requirements needed for an ESHA. However, the CCC has the ultimate decision-making authority with regards to ESHA designations.

Migratory Birds

The project site provides nesting habitat for year-round and seasonal avian residents that have the potential to occur in the area. This includes species that nest in shrubs (e.g., Bell's sparrow) and species that nest on the open ground (e.g., California horned lark). No nests or birds displaying overt nesting behavior were observed. Refer to Migratory Bird Treaty Act, below, under Regulatory Framework for additional discussion.

Migratory Corridors and Linkages

Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet, inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The survey area is located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. On-site and surrounding development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the project site to be used as a wildlife movement corridor.

Jurisdictional Waters

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

Batiquitos Lagoon

Batiquitos Lagoon, the main receiving water for stormwater runoff from the project area, is an approximately 600-acre coastal lagoon located in the City of Carlsbad. It is bounded by Pacific Coast Highway/Carlsbad Boulevard on the west, La Costa Avenue on the south, El Camino Real on the east, and Batiquitos Drive and the Aviara Community to the north.

The lagoon is divided by several transportation corridors into East, Central and West Basins. The West Basin is portion of the Lagoon that would receive stormwater from the project site. The West Basin is bound by the LOSSAN railroad tracks to the east and the Pacific Ocean to the west. The Basin is split by North Coast Highway 101. The West Basin supports pickleweed/cordgrass marsh and eelgrass beds, diverse fish, benthic invertebrate, and avian communities, including threatened and endangered bird species (Belding's savannah sparrow, California least tern, light-footed clapper rail, Western snowy plover) (MBC Aquatic Sciences 2020).

Eelgrass and wetland vegetation (including cordgrass, pickleweed and other marsh plants) are considered to be sensitive biological resources by federal and state resource agencies. Vegetated shallows that support eelgrass are also considered special aquatic sites under the 404(b)(1) guidelines of the Clean Water Act (40 C.F.R. § 230.43).

In 2020, MBC Aquatic Sciences conducted a reconnaissance survey of the West Basin of Batiquitos Lagoon at low tide to map the areas in the West Basin that supported eelgrass and cordgrass habitats. Eelgrass beds (green stippling) were present in the water along much of the shoreline at the southern end of the West Basin downstream of the east Highway 101 stormwater outfall and along a portion of the shoreline along the western side of the channel. Cordgrass and pickleweed marsh areas were observed along much of the shoreline at the southern end of the basin. Unvegetated intertidal mudflat habitat was observed along a small portion of the western side of the channel (to the north of the eelgrass habitat) and along a small portion of the eastern side of the channel (MBC Aquatic Sciences 2020).

3.3 Biological Resources

Comparing eelgrass mapping from 2006, the survey revealed that eelgrass occurred within a smaller portion of the basin in 2020 whereas cordgrass occupied a very small area of the West Basin in 2006 but was present over a more extensive area in 2020 (MBC Aquatic Sciences 2020).

REGULATORY FRAMEWORK

Federal

Endangered Species Act

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

Clean Water Act

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

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

Substantial impacts to jurisdictional wetlands may require an individual permit. Small-scale projects may require a nationwide permit, which typically has an expedited process compared to

the individual permit process. Mitigation of wetland impacts is required as a condition of the 404 permit and may include on-site preservation, restoration, and/or enhancement and/or off-site restoration or enhancement. The characteristics of restored or enhanced wetlands must be equal to or better than those of the affected wetlands to achieve no net loss of wetlands.

Migratory Bird Treaty Act

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

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

State

California Endangered Species Act

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

State Water Resources Control Board/Regional Water Quality Control Board

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

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 CNDDDB. 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.

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 and Local Coastal Program

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

Resource Management Element

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

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

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

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

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

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

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

Encinitas North 101 Corridor Specific Plan (N101SP)

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

STANDARDS OF SIGNIFICANCE

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

Thresholds of Significance

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

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

PROJECT IMPACTS AND MITIGATION

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

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, no candidate, sensitive, or special-status species were observed or recorded on the project site. However, the survey area and vicinity does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents that could occur in the area.

Based on the results of the habitat assessment and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, it was determined that the survey area has a high foraging and moderate nesting potential to support Cooper's hawk, a low (nesting and foraging) potential to support California horned lark, a low (nesting and foraging) potential to support yellow warbler, and a low potential (nesting) to support California least tern (*see Appendix C-1*).

California least terns are resident in southern California from typically the first week of April to the second week of September. Although rare, this species has been known to occupy cleared lots, including construction sites, in close proximity to foraging habitat. Because this project site is located within 0.25 mile of a known nesting site in Batiquitos Lagoon, although terns would not be expected under current existing conditions there is the potential that terns may investigate the project site as a nesting or roosting location once the site has been graded if there is inadequate human activity on the site. Therefore, the potential for project construction activities to indirectly affect migratory bird or raptor nesting cycles within and adjacent to the project site exists. Such impacts would be considered potentially significant.

Cooper's hawk, California horned lark, and yellow warbler do not require focused surveys, and a nesting bird clearance survey would be adequate to determine presence. If project-related activities are to be initiated during the nesting season (January 15 to September 15), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist within one week prior to the start of any vegetation removal or ground disturbing activities (mitigation measure BIO-1). If the project cannot avoid grading the site between April 1 and September 15, a presence/absence survey and monitoring for sign of any least terns flying over or landing on

3.3 Biological Resources

the site either during or after daily construction hours would be needed. If any of these species, or any other species protected by the CFGC or MBTA, is actively nesting on the project site, implementation of nest avoidance measures would also be required to ensure compliance with state and federal laws protecting nesting birds as well as compliance with CEQA. All remaining special-status wildlife species identified by the CNDDDB and IPaC databases are not expected to occur within the survey area.

Additionally, the palm trees and vacant structures on the site that are slated for removal have potential to support roosting bat species (including sensitive bat species) and may provide maternity roosts. If palm tree removal and building demolition occurs during the bat maternity season (March 1 through September 30), direct or indirect impacts to sensitive bat species could result. To ensure impacts to bats would not occur, mitigation measure **BIO-2** requires a qualified bat biologist to verify bats are not present before palm trees and vacant structures may be removed. Implementation of **BIO-2** would result in less than significant impacts to bats.

In summary, as such, 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 nesting birds or any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts would be **less than significant with mitigation incorporated.**

Mitigation Measures:

BIO-1 ~~Preconstruction Survey and Monitoring for California~~ General Avian, Raptor, and Least Tern Survey, and California Least Tern Monitoring. If the project begins construction occurs during the raptor and avian nesting season (raptor nesting season begins January 15; migratory bird nesting begins February 15; all raptor and avian nesting activity typically ceases by roughly April 1 to September 15), a qualified avian biologist with expertise monitoring least terns shall conduct a preconstruction nesting activity presence/absence survey for migratory birds, raptors, and least terns for active nests on the project site and within 100 feet. The surveys shall be conducted no more than 3 days prior to commencement of construction activities. The qualified biologist will also examine the project survey area for all signs of least terns (e.g., nesting scrapes and/or nests).

~~and shall monitor the project site at least twice weekly between~~ Impacts to California least tern shall be fully avoided. The qualified biologist shall be on-site during all construction activities between April 1 and September 15 to verify that least terns are not flying to or over the site during the day or roosting on the site at night. Any modification to the monitoring frequency and duration shall first be

approved by the Wildlife Agencies prior to implementing the change. If least terns are observed ~~If it is determined that least terns are repeatedly flying over the site during construction hours or roosting on the site, landing on the site outside of construction hours, an additional survey may be required and additional avoidance measures (e.g. changing construction hours, staging equipment throughout the site) may~~ shall be implemented to deter terns from flying over and landing on the site and ensure the project's impacts on least terns remain less than significant. If California least terns occupy and nest on the site, construction within at least 500 feet or a suitable distance as determined by the qualified least tern biologist shall ~~will need to~~ be delayed until any tern nests have gone to completion and the young have fledged and are no longer dependent on the project site for roosting. The monitoring biologist shall provide documentation of any findings to the City.

Impacts to other nesting bird species shall also be avoided. If nesting birds are discovered during the preconstruction surveys or during construction, then avoidance measures will be undertaken and adequate buffers for each of the species will be established until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor any nests and provide documentation to the City.

BIO-2 **Preconstruction Bat Monitoring.** If construction occurs during bat maternity season (March 1 through September 30), a qualified bat biologist shall conduct bat surveys which include a combination of sampling, exit counts, and acoustic surveys, to determine if bats are occupying palm trees or vacant structures. If bat surveys are negative, palm tree removal and building demolition shall commence within three days after the survey. If bat surveys are positive, palm tree removal and building demolition shall be postponed until such time as the qualified bat biologist determines bats are no longer present.

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.

No riparian habitat or other sensitive vegetation communities occur on the project site or the immediate vicinity. The project is also located outside of any areas that are proposed for habitat conservation or species conservation, including the “unincorporated gnatcatcher core area,” identified in the area partially inside and partially outside of the seven-city planning area that will be conserved by the North San Diego County Multiple Habitat Conservation Program (MHCP).

The vegetation types of the project site consist of disturbed, developed and/or ornamental, which are not considered to be a sensitive natural community (see [Appendix C-1](#)). There are 43 trees (7 different species) within the project boundary. Of these 7 species, only Joshua tree (*Yucca brevifolia*) is native, but because these are out of range and planted on-site less than 0.25 mile from the ocean for ornamental landscaping reasons, they would not be eligible for protection and would be considered decorative. Although surrounding areas may contain limited sensitive natural communities, the project site and surrounding areas does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area ([Appendix C-1](#)).

As described in the *Preliminary Hydrology Study*, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. As shown in [Table 3.8-1](#) (refer to [Section 3.8, Hydrology and Water Quality](#)), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs).

The proposed development and proposed storm drain design would be capable of safely conveying the 100-year storm runoff flow. The proposed project includes instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. As such, the proposed project would not substantially alter existing drainage patterns of the project site or have a substantial adverse effect on the Batiquitos Lagoon but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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](#), there is no significant hydrologic connection between the project site and underlying groundwater; therefore, modifications to stormwater infiltration at the site would not adversely affect protected wetlands or regulated state or federal waters. An estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City's Sand Compatibility and Opportunistic Use Program (SCOUP). All beach sand replenishment activities associated with the proposed project would be performed in accordance with the City's SCOUP environmental and regulatory requirements, including restrictions on the timing and duration of sand placement and biological monitoring requirements.

Refer to Impact 3.3-2, above. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. The proposed development and proposed storm drain design would also be capable of safely conveying the 100-year storm runoff flow and the storm drain system would be designed to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. As such, impacts to surrounding wetlands, including the Batiquitos Lagoon, would be less than significant.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

3.3 Biological Resources

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 not located within any identified wildlife corridors; however, implementation of the project site would require the removal of the 43 trees within the project site that provides suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents as well as migrating songbirds that could occur in the area (Appendix C-1). The survey area is also located directly west of North Coast Highway 101, to the south of Batiquitos Lagoon within an area that is surrounded by residential and commercial development. The survey area consists of disturbed areas, ornamental vegetation, and intermixed with commercial land uses that have fragmented the connection between the survey area and surrounding naturally occurring vegetation communities and other natural habitats. The on-site and surrounding development has degraded the on-site vegetation communities and has likely precluded the movement of larger mammals through the survey area due to the lack of suitable habitat and foraging opportunities. Further, elevated noise levels and lighting associated with surrounding land uses and vehicle traffic along North Coast Highway 101 decrease the suitability of the survey area to be used as a wildlife movement corridor.

Mitigation measure **BIO-1** would require the project applicant to conduct a preconstruction survey for migratory birds and raptors by a qualified biologist with expertise monitoring least terns shall conduct a preconstruction presence/absence survey for nesting birds and least terns on the project site and verify that least terns are not flying to or over the site during the day or roosting on the site at night. Impacts to migratory birds and raptors would be less than significant with implementation of mitigation measure **BIO-1**.

Mitigation measure **BIO-2** requires a qualified bat biologist to verify bats are not present before palm trees and vacant structures may be removed. Impacts to bats 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 measures **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.

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

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

The project must comply with the requirements set forth in the City's UFMP. As none of the trees on-site are protected, therefore a tree removal permit is not required. There are 54 total trees on the project site and 50 of the trees would be removed. As shown in [Figure 2.0-5, Conceptual Landscape Plan](#), the project would plant approximately 116 trees. As such, the project would more than double the current number of trees on-site. Most of the trees would range in size

3.3 Biological Resources

between 20"-36" box trees, and some of the Hong Kong orchid, western redbud, and fruitless olive trees would be 15-gallon. Shrubs would be planted in 1-to 5-gallon pots.

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

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN

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. The project site also located outside of any areas that are proposed for habitat conservation or species conservation, including the City of Encinitas Draft MHCP Subarea Plan. No sensitive species have been documented on the project site due to the lack of suitable habitat and current level of disturbance, and no wetlands or riparian habitat are present on-site. Therefore, development of the site as proposed would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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 (see [Table 3.0-2](#)).

Potential Cumulative Impact

Encinitas is an urbanized city surrounded by other urbanized cities. The protection of biological resources in the City is generally enforced through the City of Encinitas Draft MHCP Subarea Plan. The Draft Subarea Plan addresses how the City would conserve natural biotic communities and sensitive plant and wildlife species under the larger MHCP framework. As stated under Impact 3.3-6, the project is located outside of any areas that are proposed for habitat conservation or species conservation, including the “unincorporated gnatcatcher core area,” an area partially inside and partially outside of the seven-city planning area that will be conserved by the MHCP.

There are no candidate, sensitive, or special-status species were observed or recorded on the project site. However, the survey area and vicinity does provide suitable foraging and nesting habitat for a variety of year-round and seasonal avian residents that could occur in the area.

The City’s Tree Ordinance and Urban Forest Management Policy requires compliance with the City’s UFMP during construction and development. Protected trees include City Trees, Heritage Trees, and trees that are pre-designated to be preserved. City Trees are those within the City’s public rights-of-way, parks, or other public places and is maintained by the City. A tree removal permit from the City is required if a project prunes or removes a protected tree. Removal of City Trees within the ROW would also require an accompanying certified arborist report. As described in Impact 3.3-5, the project does not contain Heritage Trees or other protected trees on-site. Other cumulative projects would have to conduct arborist surveys prior to construction to determine if project implementation would impact protect trees. With compliance with the City’s Tree Ordinance and Urban Forest Management Policy, impacts to protected trees in the City would be less than significant.

3.3 Biological Resources

Refer to Impact 3.3-2, above. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. The proposed development and proposed storm drain design would also be capable of safely conveying the 100-year storm runoff flow and the storm drain system would be designed to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the hydromodification management requirements of the MS4 permit, the on-site bioretention areas would serve as flow-control BMPs. Other cumulative projects would be required to prepare and implement pre- and post-construction measures in accordance with state and City water quality requirements. With adherence to state and local regulations, implementation of the cumulative projects would not result in significant cumulative impacts to surrounding waters, including to the Batiquitos Lagoon. Refer also to Section 3.8, Hydrology and Water Quality.

Implementation of mitigation 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 or tree removal, on nesting birds or any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

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

Therefore, with implementation of the mitigation measure proposed, the proposed project's contribution to a cumulative impact on biological resources would be **less than cumulatively considerable**.

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

Level of Significance: Less than cumulatively considerable.

Section 3.4 Cultural Resources

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

The analysis in this section is based on the *Technical Memorandum: Phase I Cultural Resources Identification Report (2021a)* and the *Confidential Technical Report: Phase II Archaeological Research, Design, Site Testing, and Evaluation (2021b)*, both prepared by Michael Baker International (Michael Baker) (see [Appendix D-1](#) and [D-2](#), respectively). Due to the sensitive and confidential nature of cultural resources, portions of the reports have been redacted.

Project impacts to tribal cultural resources are evaluated in [Section 3.13, Tribal Cultural Resources](#), of this EIR; project impacts to paleontological resources are evaluated in [Section 3.6, Geology and Soils](#), of this EIR.

ENVIRONMENTAL SETTING

The project site is located in the City of Encinitas along a coastal ridge within a highly developed urban setting. On-site elevations range from approximately 58 feet above mean sea level (amsl) along the Highway 101 frontage to approximately 94 feet amsl along the western property line. Batiquitos Lagoon lies approximately 0.17 mile to the northeast of the site.

The region includes nearly level to gently sloping dissected marine terraces and a narrow strip of beach and dune sand along the coast from Newport Beach south into Mexico's Baja California. The ecoregion is also modified by oceanic influence ([Appendix D-1](#)).

The subject site is located atop a coastal terrace that forms a coastal bluff west of the property. The site is underlain by Pleistocene-aged old paralic deposits which generally consist of strandline, beach, estuarine and colluvial siltstones, sandstones, and conglomerates. The paralic deposits consist of orange-brown, dry to damp, weakly cemented, weathered, friable, silty sandstone. This silty sandstone is underlain by a pale orange gray to grayish-white, dry to damp friable sandstone with trace silt. In some areas where existing improvements have occurred, the paralic deposits are overlain by a thin veneer of artificial fill to maximum depths of five feet below ground surface (bgs), but generally less than two feet (NOVA 2020). Soils within the project site

3.4 Cultural Resources

are mapped as Marina Series loamy coarse sand with between two and 30 percent slope ([Appendix D-1](#)).

The potential for buried pre-contact archaeological sites in the project area is known to exist due to proximity to the Pacific Ocean. The region and the San Diego coast are recognized to have been in regular use by Native Americans for thousands of years ([Appendix D-1](#)).

CULTURAL SETTING

Cultural Archaeological investigations have documented human occupations on the San Diego coast that spanned at least the last 10,000 years. A variety of different chronological divisions and sets of terms have been used to sort the evidence into temporal, behavioral, and geographical units, but the present discussion is framed in terms of five main divisions (see also Moratto 1984): an early period bridging the latest Pleistocene to early Holocene, prior to about 6000 BC; a middle Holocene period, stretching between about 6000 and 2000 BC; and a late Holocene period, between about 2000 BC and AD 1769. After this, an ethnographic period represents conditions just prior to and during European contact. The historic period since AD 1769 was previously documented ([Appendix D-1](#)).

The Late Pleistocene/Early Holocene

The earliest well-documented material culture pattern in San Diego County has come to be known as the San Dieguito Complex. Dates for the San Dieguito component at the C. W. Harris Site begin at 9030 ±350 radiocarbon years before the present (calibrated to a two-sigma range of 9235–7382 BC). The San Dieguito pattern might be a Paleoindian phenomenon, characterized by high mobility and an emphasis on big game hunting (Willey and Phillips 1958), like other Late Pleistocene groups such as Clovis (Davis and Shutler 1969; Sutton 2019), as well as Lake Mohave, Scraper Maker, or Western Pluvial Lakes Tradition. Others would classify San Dieguito as an early Archaic stage phenomenon, involving a more diversified and plant-oriented adaptation. Remains that have been considered to be characteristic of San Dieguito components include large stemmed projectile points (Lake Mohave and Silver Lake forms), crescents, heavy unifacial tools (scraper planes), focused use of the local volcanic or metavolcanic rock for flaking, infrequent milling tools, and little emphasis on shellfish harvesting ([Appendix D-1](#) and [D-2](#)).

The Middle Holocene

The most conspicuous age of prehistoric sites in the central San Diego coastal plain are middle Holocene sites (ca. 6000 to 2000 BC). Like San Dieguito, these sites go by various cultural names, complexes, and horizons, including Archaic, La Jolla, Millingstone, Littoral, Shell Midden, Encinitas, Campbell, and Pauma. Regardless of nomenclature, characteristics of this period are

coastal shell middens, the widespread adaptation of ground stone tool technology, simple flaked stone assemblages, and inhumation funerary treatment.

The local middle Holocene pattern is notable for its continuity with the early Holocene and conservative evolution of tool forms and food processing technology, when compared with contemporaneous patterns in the Santa Barbara coast and the Mojave Desert. Several proposals have been made to subdivide the period locally into two or three separate chronological units based upon rates of occurrence of certain artifact styles. However, firm criteria for such distinctions have not been identified, and even the general directions of change are uncertain. For example, the extent to which there was an evolution toward a maritime rather than strictly a littoral adaptation, at least in the San Diego Bay area, has also been debated ([Appendix D-1](#) and [D-2](#)).

Various relationships have been proposed between coastal manifestations and the sparser inland San Diego County sites dating from this period, which are sometimes labeled Inland La Jolla, Pauma, or Campbell. Possible interpretations are that coastal and inland sites were produced by the movements of members of a single population, on a seasonal or episodic basis; by separate but related populations that were economically complementary to each other; or by ethnically distinct groups, with inland and some coastal components reflecting intrusions of people from the eastern deserts ([Appendix D-1](#) and [D-2](#)).

The Late Holocene

The late Holocene spans a period of apparently accelerated change in the region's prehistoric cultures. The first half of the period is not well documented but appears to represent a continuation of the middle Holocene patterns. The second half of the late Holocene includes patterns known by such labels as Late Prehistoric, Late Archaic, Shoshonean, Yuman, San Luis Rey, and Cuyamaca. Hallmarks of the later period include the mortar and pestle, ceramics, small arrow-size points, and human cremation. The chronologies for the introduction or innovation of these traits are only imprecisely known; they may well have arisen at separate times, over a period spanning as much as 1,500 years.

Archaeological sites that are assignable to the second half of the late Holocene appear to be much more numerous than earlier sites in most of the inland portions of San Diego County. A few late period coastal village locations have been identified archaeologically, but the central coast between Oceanside and Del Mar seems to have played a less important role during this period than it had during the preceding period, probably at least in part because of natural changes in the coastal environment. In northern San Diego County, late period shell middens are common and characteristically contain a high proportion of bean clam (*Donax gouldii*) shells, but *Donax* middens are uncommon south of Carlsbad. Only limited success has been achieved in attempts

3.4 Cultural Resources

to distinguish between the archaeological residues that were produced by the linguistically unrelated but culturally similar Luiseño and Ipai/Kumeyaay groups ([Appendix D-1](#) and [D-2](#)).

Cultural Resources Inventory Methodology and Results

Records Search

A records search was conducted on September 11, 2020 for the project site and a surrounding ½-mile radius at the South Coastal Information Center (SCIC), part of the California Historical Resources Information System (CHRIS) maintained by the Office of Historic Preservation, at San Diego State University. The CHRIS records search determined that three previously recorded cultural resources are located within the ½-mile search area; refer to [Table 3.4-1, Previously Recorded Cultural Resources within 0.5 Mile of the Project Site](#). No previously recorded resources are located on the project site. Additionally, four previous cultural resource studies in the area have covered the project site; no resources were documented on the subject property during these prior studies ([Appendix D-1](#)).

Table 3.4-1 Previously Recorded Cultural Resources within 0.5 Mile of the Project Site

Resource #	Resource Type	Description	Distance and Direction
P-37-009589/ CA-SDI-009589	Prehistoric Habitation Site	Flaked stone, fire affected rock, and shell scatter. Testing revealed no buried prehistoric cultural deposit.	0.26 mile northwest
P-37-026508/ CA-SDI-017404	Prehistoric Habitation Site	Fire affected rock features and scatters of charcoal and shell. Unevaluated.	0.04 mile west
P-37-037812/ CA-SDI-022520	Prehistoric Habitation Site	Flaked stone, ground stone, charcoal and shell scatter with midden soil. Testing revealed buried prehistoric cultural deposit and site recommended eligible for NRHP/CRHR.	0.44 mile northeast

Source: Michael Baker 2021a (see [Appendix D-1](#))

Field Survey and Subsequent Testing Results

A site survey was conducted by Michael Baker on October 1, 2020. Ground surface visibility varied by level of development and vegetation cover. At the time of the survey, the northern portion of the project area was being used as a construction staging area for a new hotel being built adjacent to the north of the site. The southwestern portion is currently largely undeveloped. The southeastern currently supports several small-scale commercial uses.

Two cultural resources were discovered as a result of the field survey. The first was a historic built environment resource consisting of four buildings located at 1900 North Coast Highway 101. The four buildings, from south to north, consist of an unreinforced masonry building constructed circa 1950, two single-story Commercial Modern-style buildings constructed circa 1943, and a Mission

Revival, single-story, commercial building constructed circa 1943 (Michael Baker 2021a). The buildings meet the age requirement for evaluation to the California Register of Historic Resources (CRHR). The property is recommended ineligible for listing in the CRHR under Criteria 1, 2, 3, and 4 because it lacks association with a historic context (see [Appendix D-2](#)). Additionally, the resource was evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code. The evaluation determined that it is not a historical resource for the purposes of CEQA and no additional recommendations were made for the resource ([Appendix D-1](#)).

A prehistoric archaeology site (FEN-001) was also identified on-site on a minimally disturbed terrace with a soil classified as Marina series sandy loam, nine to 30 percent slopes. This soil series has been shown to have buried cultural deposits at a site in the vicinity (Michael Baker 2021a). The resource was comprised of a small, diffuse scatter of four prehistoric artifacts including one fine-grained volcanic primary flake; one granite/quartz fire-cracked rock, one granite flake fragment, and one Santiago Peak Metavolcanic formation hammerstone. Vegetation consisted mainly of ruderal grasses and other non-native plant species. The surface of the site has been previously impacted by off-road vehicle traffic, ongoing construction, agricultural disking, and rodent burrows; however, these disturbances are considered to be shallow ([Appendix D-1](#)).

Due to the presence of these surface artifacts and the likely intact soil beneath the shallow surface disturbance, it was recommended that a Phase II Archaeological Evaluation be undertaken. Based on additional testing and further evaluation, it was determined that site FEN-001 is not eligible for listing in the CRHR under Criterion 4 because it lacks information potential. It is therefore not a historical resource or unique archaeological resource as defined by CEQA Section 15064.5(a) or unique archaeological resources as defined by Public Resources Code (PRC) Section 21083.2(g). No further recommendations were made for this site ([Appendix D-2](#)).

REGULATORY FRAMEWORK

Federal

Archaeological Resources Protection Act

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

Section 106 of the National Historic Preservation Act

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act of 1966. Section 106 requires federal agencies to take into account the

3.4 Cultural Resources

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

National Register of Historic Places

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

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

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

- a) That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- b) That are associated with the lives of persons significant in our past; or*
- c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that*

represent a significant and distinguishable entity whose components may lack individual distinction; or

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

State

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

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

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the technical advice series produced by the Governor's Office of Planning and Research. This technical advice series strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Register of Historical Resources

AB 2881 was signed into law in 1992, establishing the CRHR. The CRHR is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's

3.4 Cultural Resources

historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based on NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for, or listed in, the NRHP, State Landmarks, and State Points of Interest.

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

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

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

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.
- Evaluate the effects of a project on all cultural resources.
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.

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

Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another State agency, or a local agency (GC Section 6254(r)); and

Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a State or local agency (GC Section 6254.10).

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

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

California Health and Safety Code Sections 7050.5, 7051, and 7054

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

Local

City of Encinitas General Plan

Resource Management Element

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

3.4 Cultural Resources

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

Resource Management Element

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

Policy 7.1: Require that paleontological, historical, and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Coastal Act/30250)

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

Encinitas North 101 Corridor Specific Plan (N101SP)

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

City of Encinitas Municipal Code

Section 30.34.050, Cultural/Natural Resources Overlay Zone, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

PROJECT IMPACTS AND MITIGATION

HISTORICAL RESOURCES

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, two cultural resources were discovered as a result of the field survey. The first was a historic built environment resource consisting of four buildings located at 1900 North Coast Highway 101. Further evaluation determined that the property is recommended ineligible for listing in the CRHR under Criteria 1, 2, 3, and 4 because it lacks association with a historic context (see [Appendix D-1](#)). Additionally, the resource was evaluated in accordance with Section 15064.5(a)(2)–(3) of the CEQA Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code. The evaluation determined that it is not a historical resource for the purposes of CEQA and no additional recommendations were made for the resource (Michael Baker 2021a). **No impact** would therefore occur.

The prehistoric archaeology site (FEN-001) was also identified on-site and consisted of a small, diffuse scatter of four prehistoric artifacts including one fine-grained volcanic primary flake; one granite/quartz fire-cracked rock, one granite flake fragment, and one Santiago Peak Metavolcanic formation hammerstone. Based on additional testing and further evaluation, it was determined that site FEN-001 is not eligible for listing in the CRHR under Criterion 4 because it lacks information potential. It is therefore not considered to be a historical resource or unique

3.4 Cultural Resources

archaeological resource as defined by CEQA Section 15064.5(a) or unique archaeological resources as defined by Public Resources Code (PRC) Section 21083.2(g). No further recommendations were made for this site (Appendix D-2). **No impact** would occur.

However, there is the potential that unknown resources on the site may have been obscured by pavement or other materials over the years. Therefore, unknown historic resources or properties have the potential to be present within the construction limits of the project and project construction activities may adversely affect such resources. Mitigation measures **CR-1** to **CR-3** would be implemented to reduce project effects on such unknown historic resources. Project impacts would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measures:

CR-1 Cultural Resources Monitoring Program. A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (~~Kumeyaay~~) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a

determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, ~~in consultation with the Kumeyaay affiliated tribes~~. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a ~~data recovery~~Data Recovery Plan is required, then ~~the Kumeyaay affiliated tribes~~ a TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.
- The qualified archaeologist and/or TCA Native American monitor may also halt ground disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed.
- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the ~~Kumeyaay affiliated tribes~~ TCA Native American Tribe 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

3.4 Cultural Resources

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 September 2020 for the project site and a surrounding 0.5 mile radius and a site survey was conducted in October 2020. The CHRIS records search determined that three previously recorded cultural resources are located within 0.5 mile of the project area; however, no significant archaeological resources were identified on-site from the records search, Sacred Lands search, field survey, or from further evaluation of the site

(Michael Baker 2021a; 2021b). No known resources have been identified on-site that would be eligible for listing under the NRHP or CRHR criteria. Therefore, the project would not directly cause a substantial adverse change in the significance of a known archaeological resource pursuant to CEQA Guidelines Section 15064.5.

The region is recognized to have been in regular use by Native Americans for thousands of years. The potential for buried pre-contact archaeological sites does therefore occur based upon proximity to the Pacific Ocean.

Due to the presence of sediments associated with human occupation of the region and the presence of previously recorded pre-contact resources in the surrounding area, as well as documented on-site conditions, the northern and southeastern portions of the project site have a low potential for the presence of prehistoric cultural resources; the southwestern, undeveloped, portion of the project area has a moderate to high potential for the presence of prehistoric cultural resources. Therefore, a potentially significant impact to unknown archaeological resources may occur from subsurface construction disturbances (i.e., trenching, excavation, grading) associated with the project. To ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, archaeological and Native American monitoring is required (**CR-1** and **CR-2**).

The magnitude of potential project impacts is unknown because any undiscovered archaeological resources are located underground and therefore, cannot be readily evaluated. Mitigation measures **CR-1** and **CR-2** would be implemented to address the recovery of unknown cultural resources in the event of discovery during project construction. Impacts would be **less than significant with mitigation incorporated**.

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

Level of Significance: Less than significant with mitigation incorporated.

HUMAN REMAINS

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](#). Although no known human remains have been identified on-site, the potential for project ground-disturbing activities to result in impacts to unknown resources does exist. As stated above, due to existing conditions on the subject property, the potential for prehistoric

3.4 Cultural Resources

cultural resources to be present ranges from low to high, depending on the location within the site. Additionally, the project vicinity has the potential to support buried pre-contact archaeological sites due to proximity to the Pacific Ocean and recognized regular use by Native Americans for thousands of years ([Appendix D-1](#)).

The project would be required to comply with regulatory requirements for treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and California PRC Section 5097. Additionally, implementation of mitigation measure **CR-3** would reduce project impacts on unknown human remains to less than significant. Potential construction impacts on human remains would be reduced to **less than significant with mitigation incorporated**.

Mitigation Measure: Implement mitigation measure **CR-3**.

Level of Significance: Less than significant with mitigation incorporated.

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 project's incremental contribution, and that are included in the analysis of cumulative impacts relative to cultural resources, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

Potential Cumulative Impacts

Urban development over past decades in San Diego County has resulted in adverse impacts on cultural resources. However, the adoption of State and federal laws related to cultural resources has provided a mechanism to address potential impacts of development activities on known and/or unknown cultural resources. Although inadvertent discoveries and potential impacts may still result on a project by project basis based on location, development type, and availability of data, compliance with regulatory procedures generally mitigate potential impacts to cultural resources. Federal, State, and local laws protect cultural resources in most instances, but they are not always feasible, particularly when in-place preservation may complicate or prevent the implementation of a development project. Future development may conflict with these

resources through inadvertent destruction or removal resulting from grading, excavation, and/or construction activities.

No known cultural resources of significance or human remains have been documented on the project site, and therefore, no such known resources would be affected by project development. However, construction activities resulting from the project would include grading and excavation in previously disturbed areas, which may have the potential to result in the encounter of undiscovered subsurface resources. Project implementation could contribute to potential cumulative impacts on cultural resources, including unknown archaeological and historic resources, as well as unknown buried human remains. Past, present, and foreseeable projects have affected, or would have the potential to affect, cultural resources throughout the region over time. However, federal, State, and local laws are designed to protect such resources. These laws have led to the discovery, recordation, preservation, and curation of artifacts and historic structures.

Mitigation measures **CR-1 to CR-3** address the discovery and recovery of unknown archaeological and historical resources through construction monitoring, identification of potential cultural resources, and evaluation of the significance of a find. Mitigation measures **CR-1 to CR-3** would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant.

Similarly, with conformance to applicable federal, State, and local regulations, combined with the evaluation of resource significance and implementation of mitigation measures in compliance with applicable legislation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on historical and cultural resources and/or human remains would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with cultural resources would be reduced to less than significant with incorporation of mitigation measures **CR-1 to CR-3**. Further the project and cumulative projects would be subject to conformance with applicable federal, State, and local requirements for the protection of such resources. Therefore, the project's contribution to cumulative impacts on cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1 to CR-3**.

Level of Significance: Less than cumulatively considerable.

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Energy Conservation and Climate Change

This section evaluates greenhouse gas (GHG) emissions and energy consumption associated with the proposed project and analyzes the project's consistency with applicable plans and policies. This section is based on technical data presented in the *Greenhouse Gas Emissions and Energy Technical Memorandum* prepared by Michael Baker International, Inc. (Michael Baker 2022~~b4~~; see [Appendix E](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018).

ENVIRONMENTAL SETTING

Climate Change

Climate change is a distinct change in average meteorological conditions with respect to temperature, precipitation, and storms. Climate change can result from both natural processes and human activities. Natural changes in the climate result from very small variations in the earth's orbit which change the amount of solar energy the planet receives. Human activities can affect the climate by emitting heat-absorbing gases into the atmosphere and by making changes to the planet's surface, such as deforestation and agriculture. The following impacts to California from climate change have been identified:

- Higher temperatures, particularly in the summer and in inland areas;
- More frequent and more severe extreme heat events;
- Reduced precipitation, and a greater proportion of precipitation falling as rain rather than snow;
- Increased frequency of drought conditions;
- Rising sea levels;
- Ocean water becoming more acidic, harming shellfish and other ocean species; and
- Changes in wind patterns.

These direct effects of climate change may in turn have a number of other impacts, including increases in the number and intensity of wildfires, coastal erosion, reduced water supplies, threats to agriculture, and the spread of insect-borne diseases.

Greenhouse Gases

GHGs are naturally present in the earth's atmosphere and play a critical role in maintaining the planet's temperature. The natural process through which heat is retained in the troposphere is called the greenhouse effect. The greenhouse effect traps heat in the troposphere through a

3.5 Energy Conservation and Climate Change

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 (CO₂), methane (CH₄), nitrous oxide (N₂O), 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 CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration.

Energy

Electricity

Electricity usage in California for different land uses varies substantially by the types of uses in a building, types of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Electricity in the state is predominantly provided by renewable resources, such as solar, wind, geothermal, and hydroelectric. In 2018, renewable resources supplied approximately 50 percent of the in-state electricity generation while natural gas-fired power plants provided approximately 40 percent and nuclear provided less than 10 percent. Given the size and population of the state, California is still one of the largest importers of energy in the nation, as approximately 30 percent of the state’s electricity supply came from generating facilities outside the state in 2018. As such,

almost all the coal-fueled electricity generation consumed in the state was imported (approximately 4 percent of state’s power supply) (EIA 2020).

San Diego Gas & Electric (SDG&E) provides electric services to 3.6 million customers through 1.4 million electric meters located in a 4,100-square-mile service area that includes San Diego County (County) and southern Orange County. SDG&E is a subsidiary of Sempra Energy (SDG&E 2020) and would provide electricity to the proposed project. SDG&E receives electric power from a variety of sources. According to the California Public Utilities Commission (CPUC) 2019 California *Renewables Portfolio Standard (RPS) Annual Report*, 44 percent of SDG&E’s power came from eligible renewable energy sources (CPUC 2019). Refer to Table 3.5-1, Portfolio Percentages for SDG&E 2018 RPS, to see SDG&E’s distribution of renewable resources. In the County, the average annual residential electricity use per home decreased by about 2 percent (5,599 kilowatt hours [kWh] to 5,493 kWh) from 2017 to 2018 (USD 2020).

Table 3.5-1 Portfolio Percentages for SDG&E 2018 RPS

Biopower	Geothermal	Solar PV	Wind	Hydro	Solar Thermal
5%	0%	48%	49%	0%	0%

Source: CPUC 2019

Notes: Values exceed 100% due to rounding.

The electricity consumption attributable to San Diego County from ~~201009~~ to ~~202019~~ is shown in Table 3.5-2, Electricity Consumption in San Diego County 2010-202009-2019. Additionally, energy consumption in San Diego County remained relatively constant between ~~201009~~ and ~~202019~~, with no substantial increase or decrease.

Table 3.5-2 Electricity Consumption in San Diego County 2010-202009-2019

Year	Electricity Consumption (in millions of kilowatt hours)
2010	19,115
2011	19,122
2012	19,647
2013	19,688
2014	19,999
2015	19,894
2016	19,666
2017	19,667
2018	19,733
2019	19,048
<u>2020</u>	<u>19,045</u>

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 20224b (Appendix E).

3.5 Energy Conservation and Climate Change

Renewable Energy

In 2018, California ranked first in the nation electricity generated from solar, geothermal, and biomass energy, fourth in hydroelectric power, and fifth in wind energy. By the end of 2018, California had about 12,000 megawatts of utility-scale solar power capacity and 20,000 megawatts of installed solar capacity. Geothermal resources in the state, approximately 2,730 megawatts of capacity, account for almost 75 percent of the nation's utility-scale electricity generation from geothermal energy. The state has over 30 power plants fueled by biomass (wood and wood waste), which leads the nation in energy generation. At the end of 2019, the state had more than 5,800 megawatts of installed wind capacity (EIA 2020).

Natural Gas

CPUC regulates natural gas utility service for approximately 10.8 million customers who receive natural gas from Pacific Gas & Electric (PG&E), Southern California Gas (SoCalGas), SDG&E, Southwest Gas, and several smaller natural gas utilities. SDG&E provides natural gas service to the Counties of San Diego and Orange and would provide natural gas to the proposed project. SDG&E is a wholesale customer of SoCalGas and currently receives all of its natural gas from the SoCalGas system (CPUC 2017).

The majority of California’s natural gas customers are residential and small commercial customers (core customers). These customers accounted for approximately 32 percent of the natural gas delivered by California utilities in 2012. Large consumers, such as electric generators and industrial customers (noncore customers), accounted for approximately 68 percent of the natural gas delivered by California utilities in 2012 (CPUC 2017).

The natural gas consumption in San Diego County from 2010 to 2020 is shown in Table 3.5-3, Natural Gas Consumption in San Diego County 2010-2020. Similar to energy consumption, natural gas consumption in San Diego County remained relatively constant between 2010 and 2020, with no substantial increase or decrease.

Table 3.5-3 Natural Gas Consumption in San Diego County 2010-2020

Year	Natural Gas Consumption (in millions of therms)
2009	515
2010	556
2011	529
2012	515
2013	528
2014	451
2015	453
2016	473

Table 3.5-3, continued

Year	Natural Gas Consumption (in millions of therms)
2017	480
2018	483
2019	534
<u>2020</u>	<u>505</u>

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 2022b4 (Appendix E).

Petroleum

As of 2018, the state ranked fifth largest in U.S. crude oil reserves and seventh largest producer of crude oil in the nation. However, the state’s overall crude oil production has steadily declined during the past 30 years. Due to its large size and population, California is the second-largest consumer of petroleum products and the largest consumer of motor gasoline and jet fuel in the nation. Almost 90 percent of the petroleum consumed in the state is used in the transportation sector (EIA 2020).

However, technological advances, market trends, consumer behavior, and government policies could result in significant changes in fuel consumption by type and in total. As such, the state has implemented various policies and incentives to increase the use of non-carbon-emitting vehicles and decrease vehicle miles traveled (VMT). In 2018, the state had 500,000 registered electric and plug-in hybrid vehicles and nearly one-fourth of the nation's electric vehicle charging stations (EIA 2020).

At the federal and state levels, various policies, rules, and regulations have been enacted to improve vehicle fuel efficiency, promote the development and use of alternative fuels, and reduce transportation-source air pollutants, GHG emissions, and VMT. Market forces have driven the price of petroleum products steadily upward over time, and technological advances have made use of other energy resources or alternative transportation modes increasingly feasible.

Automotive fuel consumption in San Diego County from 2010 to 2019 is shown in Table 3.5-4, Automotive Fuel Consumption in San Diego County 2010-2019 (projections for the year 2020 are also shown). Since 2010 on-road automotive fuel consumption in San Diego County has generally declined and heavy-duty vehicle fuel consumption has steadily increased.

Table 3.5-4 Automotive Fuel Consumption in San Diego County ~~2010-2020~~2010-2019

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2009	1,497,291,231	99,875,130
2010	1,508,667,038	97,156,155
2011	1,481,337,159	96,017,458

3.5 Energy Conservation and Climate Change

Table 3.5-4, continued

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2012	1,472,989,765	95,242,542
2013	1,478,545,554	101,043,794
2014	1,490,518,576	101,313,889
2015	1,531,616,348	101,781,235
2016	1,569,728,227	107,743,690
2017	1,556,356,992	107,679,306
2018	1,524,037,178	108,226,615
2019	1,490,698,455	108,601,793
2020 (projected)	1,460,575,916	108,341,542
2021 (projected)	1,430,976,383	108,359,703

Source: Greenhouse Gas Emissions and Energy Technical Memorandum, Michael Baker 2022b4 (Appendix E).

REGULATORY FRAMEWORK

Federal

Greenhouse Gas Emissions

To date, no national GHG reduction targets or climate plans have been adopted that would apply to the proposed project or the City of Encinitas.

Energy Conservation

Federal Energy Policy and Conservation Act

In response to the 1973 oil crisis, Congress enacted the Energy Policy and Conservation Act (EPCA) of 1975, which established the first fuel economy standards for on-road motor vehicles in the United States. The purpose of EPCA is to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

Intermodal Surface Transportation Efficiency Act

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of surface transportation programs. The purpose of the ISTEA is to maximize mobility and address national and local interests in air quality and energy. The ISTEA contained factors that metropolitan planning organizations (MPO) were to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs

adopted policies defining the social, economic, energy, and environmental values guiding transportation decisions.

Transportation Equity Act for the 21st Century

In 1998, Congress enacted the Transportation Equity Act for the 21st Century, which expanded programs and initiatives established in the ISTEA legislation. The act authorizes highway, highway safety, transit, and other efficient surface transportation programs. The act continues the program structure established for highways and transit under the ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of transportation decisions.

Energy Independence and Security Act

In 2007, Congress enacted the Energy Independence and Security Act of 2007 (EISA) with the purpose to increase energy independence and efficiency. The legislation requires the Renewable Fuel Standard (RFS) to continually increase over time to reduce the reliance of petroleum. The U.S. Environmental Protection Agency (EPA) is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

State

Greenhouse Gas Emissions

Discussed below are some of the key state directives and policies pertaining to GHG emissions reduction.

Assembly Bill 32

The California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500–38599) established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and established a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This requirement was achieved early in 2016.

Senate Bill 97

Senate Bill (SB) 97 (2007) (Chapter 185, Statutes of 2007; Public Resources Code Sections 21083.05 and 21097) acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The Natural Resources Agency adopted amendments to the CEQA Guidelines in 2010 to address the directive. As a result, CEQA lead agencies are required to estimate the emissions associated with project-related vehicular traffic, energy consumption,

3.5 Energy Conservation and Climate Change

water usage, and construction activities to determine whether project-level or cumulative impacts could occur and to mitigate the impacts where feasible.

Senate Bill 375

SB 375 (2008) (Chapter 728, Statutes of 2008) aligns regional transportation planning efforts, regional GHG reduction targets, and land use and housing allocation. SB 375 requires each MPO to adopt a sustainable communities strategy or alternative planning strategy that will prescribe land use allocation in that MPO's regional transportation plan. The California Air Resources Board (CARB) is charged with reviewing each MPO's sustainable communities strategy or alternative planning strategy for consistency with its assigned targets. San Diego County is part of the San Diego Association of Governments' (SANDAG) MPO and is covered under SANDAG's *2050 Regional Transportation Plan*.

Energy Conservation

Discussed below are some of the key state directives and policies pertaining to energy conservation.

State of California Energy Action Plan

The CEC and CPUC approved the first state of California *Energy Action Plan* in 2003. The plan established shared goals and specific actions to ensure that adequate, reliable, and reasonably priced electrical power and natural gas supplies are provided, and identified policies, strategies, and actions that are cost effective and environmentally sound for California's consumers and taxpayers. In 2005, a second *Energy Action Plan* was adopted by the CEC and CPUC to reflect various policy changes and actions of the prior two years.

At the beginning of 2008, the CEC and CPUC determined that it was not necessary or productive to prepare a new energy action plan. This determination was based in part on a finding that the state's energy policies have been significantly influenced by the passage of AB 32, the California Global Warming Solutions Act of 2006 (discussed above). Rather than produce a new energy action plan, the CEC and CPUC prepared an "update" that examines the state's ongoing actions in the context of global climate change.

Senate Bill 1078

SB 1078 (2002) established the California RPS Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20 percent standard by 2018. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, design and implement an accounting system to verify compliance with the RPS by

retail sellers, and allocate and award supplemental energy payments to cover above-market costs of renewable energy.

Senate Bills 107, X1-2, 350, and 100

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) requires all California utilities to generate 33 percent of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage compliance period: by December 31, 2013, 20 percent shall come from renewables; by December 31, 2016, 25 percent shall come from renewables; and by December 31, 2020, 33 percent shall come from renewables. According to the 2019 RPS Annual Report to the Legislature, all of the large investor-owned utilities have reached this goal in 2018 (CPUC 2019).

SB 350 (2015) requires retail seller and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030, with interim goals of 40 percent by 2024 and 45 percent by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44 percent of the total electricity sold to retail customers in California per year by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030, be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100 percent of the retail sales of electricity to California. This bill requires that the achievement of 100 percent zero-carbon electricity resources does not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the 60 percent RPS in 2030. Therefore, any project's reliance on nonrenewable energy sources would also be reduced.

Assembly Bill 1007

AB 1007 (2005) required the CEC to prepare a statewide plan to increase the use of alternative fuels in California (State Alternative Fuels Plan). The CEC prepared the plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuels use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

3.5 Energy Conservation and Climate Change

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards, while new nonresidential buildings will use about 30 percent less energy.

The CALGreen standards originally took effect in 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and state-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- Mandatory reduction in indoor water use through compliance with specified flow rates for plumbing fixtures and fittings.
- Mandatory reduction in outdoor water use through compliance with a local water-efficient landscaping ordinance or the California Department of Water Resources' Model Water Efficient Landscape Ordinance.
- Sixty-five percent of construction and demolition waste must be diverted from landfills.
- Mandatory inspections of energy systems to ensure optimal working efficiency.
- Inclusion of electric vehicle charging stations or designated spaces capable of supporting future charging stations.
- Low pollutant-emitting exterior and interior finish materials, such as paints, carpets, vinyl flooring, and particle boards.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's

Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

California's Energy Efficiency Standards for Appliances (Title 20)

Title 20 of the California Code of Regulations requires manufacturers of appliances to meet state and federal standards for energy and water efficiency. Performance of appliances must be certified through the CEC to demonstrate compliance with standards.

New appliances regulated under Title 20 include refrigerators, refrigerator-freezers and freezers; room air conditioners and room air-conditioning heat pumps; central air conditioners; spot air conditioners; vented gas space heaters; gas pool heaters; plumbing fittings and plumbing fixtures; fluorescent lamp ballasts; lamps; emergency lighting; traffic signal modules; dishwaters; clothes washers and dryers; cooking products; electric motors; low voltage dry-type distribution transformers; power supplies; televisions and consumer audio and video equipment; and battery charger systems.

Title 20 presents protocols for testing for each type of appliance covered under the regulations and appliances must meet the standards for energy performance, energy design, water performance, and water design.

Local

City of Encinitas Climate Action Plan (CAP)

The City's Climate Action Plan (CAP) was adopted in January 2018 and was most recently updated and adopted on November 18, 2020. The CAP serves as a guiding document and outlines a course of action for community and municipal operations to reduce GHG emissions and the potential impacts of climate change within the jurisdiction. The CAP benchmarks GHG emissions in 2012 and identifies what reductions are required to meet GHG reduction targets based on state goals embodied in AB 32. The CAP aims to achieve local community wide GHG reduction targets of 13 percent below 2012 levels by 2020 and 44 percent below 2012 levels by 2030.

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global

3.5 Energy Conservation and Climate Change

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

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

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

City of Encinitas General Plan and Certified Local Coastal Program

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

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. The relevant goals and policies of the General Plan include:

Circulation Element

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass-transit, bicycle transportation, pedestrians, equestrians, and car-pooling.

GOAL 3: **The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.**

Policy 3.2: Continue to assist in expanding public transportation and emphasize public transportation in future development with preference given to cost-effective alternatives.

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

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

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

Resource Management Element

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

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

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

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

3.5 Energy Conservation and Climate Change

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

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

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

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

Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City.

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

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

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

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

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

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

Encinitas North 101 Corridor Specific Plan

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP) and there are no energy or climate change policies exclusive to the Specific Plan area. Chapter 9, General

Plan and Local Coastal Program Compliance, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the N101SP's consistency with the General Plan. Consistency with the General Plan policies regarding archaeological and historical cultural resources would ensure compliance with the N101SP.

Ordinance 2021-13

Ordinance 2021-13 was adopted by the City of Encinitas to amend Section 23.12.080 and Section 23.12.110 of Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the City of Encinitas Municipal Code (Municipal Code) to implement goals and objectives set forth in the Climate Action Plan for reducing GHG emissions, conserving water and energy, encouraging green buildings, protecting the natural environment, and protecting the health of residents and visitors. Specifically, Section 100.0, subpart (e) of the California Energy Code is amended in Section 23.12.080(D) of the Municipal Code to require all newly constructed buildings to meet the requirements of an "All-Electric Building" (no natural gas or propane plumbing installed within the building and there is no gas meter connection). Under the new ordinance, restaurant use may be approved for an exception to install gas-fueled cooking appliances.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact related to GHG emissions if it would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed project would have a significant impact related to energy if it would:

1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Methodology

Global Climate Change

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The California Natural Resources Agency (CNRA) has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)). A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.

The City has adopted an interim screening threshold of 900 MTCO₂e per year based on guidance in the CAPCOA's *CEQA & Climate Change* report. The *CEQA & Climate Change* report references an annual 900 MTCO₂e guideline as a conservative threshold for requiring further analysis and is based on a project's vehicle trips, electricity generation, natural gas consumption/combustion, water usage, and solid waste generation. The HEU EA requires developments that would exceed the interim screening threshold of significance to prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. The project-level analysis shall demonstrate that, with implementation of the applicable mitigation measures, the project will not impede implementation of AB 32 or SB 32.

The project-level analysis calculates the amount of GHG emissions that would be attributable to the project using recommended models, including the most recent version of the California Emissions Estimator Model (CalEEMod), version 2020.4.016.3.2, and ~~the CARB Emission Factor Model 2017 (EMFAC2017), and~~ compares to the City's interim screening threshold of significance. GHG emissions from on-road transportation were calculated using CalEEMod default trip lengths for San Diego County, trip generation data within the *City of Encinitas Marea Village Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis* (Traffic Impact Analysis) prepared by LOS Engineering, Inc. (~~dated~~

~~November 12, 2020~~ 2022b) , emission factors from ~~EMFAC2017~~, and project-specific land use data.

GHG emissions from other sources were calculated using CalEEMod default emission rates for San Diego County and project-specific land use data. A CalEEMod model run was conducted to quantify the existing GHG emissions from the operation of the existing restaurant and small commercial center. The CalEEMod model run relied on land use information and daily vehicle trips provided in the Local Transportation Analysis ([Appendix L-2](#)). It should be noted that although the existing restaurant is currently unoccupied, consistent with the Traffic Impact Analysis, trips generated by the restaurant were accounted for in the existing conditions model to afford a conservative analysis.

In the *2017 Climate Change Scoping Plan Update*, CARB suggested substantial progress could be made if a regional or countywide GHG reduction plan, such as the City's CAP, targeted reducing emissions to 6 MTCO_{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.

The significance threshold for the project was developed based on the City's CAP. During preparation of the City's baseline emissions inventory, the University of San Diego's Energy Policy Initiatives Center (EPIC) calculated GHG emissions for both community-wide sectors and County government operations for the year 2012. EPIC then projected emissions for the years 2020 and 2030 based on factors such as population and job growth. EPIC concluded that, in 2012, the total emissions in the City was approximately 459,000 MTCO_{2e}.

To be consistent with SB 32, the City must reduce emissions by 44 percent from the baseline, which equates to a target of 254,575 MTCO_{2e} per year in 2030. The City's service population in 2030 is expected to be 95,585 (68,345 residents and 27,240 jobs). Therefore, to achieve a City emissions level of 254,575 MTCO_{2e} per year in 2030, the required per capita efficiency target would be approximately 2.7 MTCO_{2e} (254,575/95,585) per service population per year, which is approximately half of CARB's suggested target. Based on this approach, for the analysis in Impact 3.5-1, if the proposed project would generate GHG emissions equal to or less than 2.7 MTCO_{2e} per service population per year, the impact would be less than significant. Otherwise, mitigation measures would need to be implemented to mitigate the project's GHG emissions impacts.

The analysis in Impact 3.5-1 discusses the project's consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. If the project would be consistent with all applicable plans, the project would not impede implementation of AB 32

3.5 Energy Conservation and Climate Change

or SB 32, and the impact would be less than significant. Otherwise, mitigation measures would need to be implemented to mitigate the project's GHG emissions impacts.

Energy

Appendix F of the CEQA Guidelines is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis under Impact 3.5-1 relies upon Appendix F of the CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1:** The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- **Criterion 2:** The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3:** The effects of the project on peak and base period demands for electricity and other forms of energy.
- **Criterion 4:** The degree to which the project complies with existing energy standards.
- **Criterion 5:** The effects of the project on energy resources.
- **Criterion 6:** The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses **Criterion 1**. The discussion on construction-related energy use focuses on **Criteria 2, 4, and 5**. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The transportation energy demand analysis discusses **Criteria 2, 4, and 6**, and the building energy demand analysis discusses **Criteria 2, 3, 4, and 5**.

The analysis in Impact 3.5-2 discusses project consistency with applicable statewide, regional, and local plans related to energy efficiency and renewable energy.

PROJECT IMPACTS AND MITIGATION

GREENHOUSE GAS EMISSIONS

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 with mitigation incorporated.
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Project-Related Sources of Greenhouse Gases

The proposed project would result in direct and indirect emissions of CO₂, N₂O, and CH₄, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from energy consumption, water demand, and solid waste generation. CalEEMod was used to calculate direct and indirect project related GHG emissions. [Table 3.5-5, Annual Estimated Greenhouse Gas Emissions](#), presents the estimated CO₂, N₂O, and CH₄ emissions of the existing uses and the proposed project. CalEEMod outputs are contained within [Appendix E](#).

Existing Sources of Greenhouse Gases

A CalEEMod model run was conducted to quantify the existing GHG emissions from the operation of the existing restaurant and small commercial center uses. As shown in [Table 3.5-5](#), the existing development emits approximately ~~699.05~~ 549.02 MTCO₂e/year.

Table 3.5-5 Annual Estimated Greenhouse Gas Emissions

Source ⁶	CO ₂	CH ₄		N ₂ O		Total Metric Tons of CO ₂ e ²³
	Metric Tons/yr ¹	Metric Tons/yr ¹	Metric Tons of CO ₂ e/yr ²	Metric Tons/yr ¹	Metric Tons of CO ₂ e/yr ²	
Existing Conditions Emissions						
Direct Emissions						
Area Source	<0.01	0.00	<0.01	0.00	0.00	<0.01
Mobile Source ³⁴	685.86503.96	0.045	1.0717	0.030	0.007.75	687.02512.79
<i>Total Direct Emissions³</i>	685.86503.96	0.045	1.0717	0.030	0.007.75	687.02512.79
Indirect Emissions						
Energy	9.5029.26	<0.01	0.031	<0.01	0.1002	9.5329.40
Solid Waste	0.481.64	0.1003	0.712.43	0.00	0.00	1.194.07
Water Demand	1.132.20	0.021	0.1444	<0.01	0.1304	1.312.76
<i>Total Indirect Emissions³²</i>	11.1133.11	0.1203	0.852.90	<0.00	0.2307	12.0336.23
Total Existing Emissions³²	549.02699.05 MTCO₂e/yr					
Proposed Project Emissions						
Direct Emissions						
Construction ⁴⁵	49.5532.45	<0.01	0.129	0.00	0.200	33.4749.84
Area Source	67.78	<0.01	0.06	<0.001	0.36	68.20
Mobile Source ³⁴	1,540.35690.85	0.121	2.9683	0.010	0.002.19	1,693.68565.21
<i>Total Direct Emissions³</i>	1,640.58808.18	0.13	3.2118	<0.01	0.362.76	1,666.88811.73
Indirect Emissions						
Energy	574513.49.38	0.02	0.6150	<0.01	1.6986	576.74515.79
Solid Waste	6.2211	0.376	9.2003	0.00	0.00	15.4215
Water Demand	56.9943.66	0.276	6.6557	0.01	1.947	65.5352.25
<i>Total Indirect Emissions²³</i>	637.49563.38	0.664	16.4511	0.01	3.6483	657.42583.46
Total Project-Related Emissions³²	2,250.342,469.15 MTCO₂e/yr					
Net Increase of Total Project-Related Emissions³²	1,701.331,770.10 MTCO₂e/yr					
<i>Reduction from 250 kW Solar Panels</i>	<i>140.26 MTCO₂e/yr</i>					
<i>Reduction from 39 EV Charging Stations</i>	<i>141.68 MTCO₂e/yr</i>					
<i>Reduction from Ordinance 2021-13⁵</i>	<i>54.97 MTCO₂e/yr</i>					
Net Increase of Total Project-Related Emissions After Reductions³²	1,364.421,488.16 MTCO₂e/yr					
Total Project Service Population (Residence + Employment)⁶	274					
Project Per Service Population Emissions	4.985.4 MTCO₂e/yr per capita					
City of Encinitas Climate Action Plan Threshold	2.7 MTCO₂e/yr per capita					
Is Threshold Exceeded?	Yes					

Table 3.5-5, continued

Notes:

MTCO₂e/yr = Metric Tons Carbon Dioxide Equivalent per year; kW = kilowatt; EV = electric vehicle

1. Emissions calculated using the CalEEMod version 2020.4.046.3.2 and the California Air Resources Board Emission Factor model 2017 (EMFAC2017).
2. Consistent with CalEEMod version 2016.3.2, carbon dioxide equivalent values were calculated using global warming potentials from the 2007 Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report, https://www.ghgprotocol.org/sites/default/files/ghgp/Global-Warming-Potential-Values%20Feb%2016%202016%29_1.pdf, accessed December 15, 2020.
3. Totals may be slightly off due to rounding.
34. The mobile source emissions were calculated using the trip generation data provided in the LOS Engineering, Inc., *City of Encinitas Fenway-Marea Village Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis*, dated November 12, 2020/2022b.
45. Total project construction GHG emissions equate to 1,495.30 MTCO₂e. Value shown is amortized over the lifetime of the project (assumed to be 30 years). Value shown is amortized over the lifetime of the project (assumed to be 30 years). Total project construction GHG emissions equate to 1,004.16 MTCO₂e.
5. Ordinance 2021-13 requires all newly constructed buildings to be "all electric." This ordinance applies to residential and commercial development; however, restaurants can apply for an exemption for natural gas cooktops. To ensure a conservative analysis, this analysis assumes that the project's restaurant uses would use natural gas. Should exemptions be sought and granted, GHG emissions would be incrementally lower than reported herein.
66. Total project service population includes 236 residents and 38 employees. The 38 employees represent net increase from existing conditions (i.e. 62 employees for the project and minus 24 employees for the existing uses).

Source: Greenhouse Gas Emissions and Energy, Michael Baker International (2022b; Appendix E).

Direct Project-Related Source of Greenhouse Gases

Construction Emissions. Because impacts from construction activities occur over a relatively short-term period of time, they contribute a relatively minimal portion of the overall lifetime project GHG emissions. ~~To adequately include GHG emission from construction in the lifetime/operational GHG estimates, construction emissions are amortized over a 30-year project lifetime.~~ Construction GHG emissions are amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years), then added to the operational emissions to adequately include GHG emission from construction in the lifetime/operational GHG estimates. As seen in Table 3.5-5, construction of the proposed project would result in an annual total of ~~49.84~~33.47 MTCO₂e (amortized over 30 years) which represents a total of approximately ~~1,004.161,495.30~~ MTCO₂e from the overall construction activities.

Area Source. The project would result in nominal (68.20 MTCO₂e) area source emissions; refer to Table 3.5-5. Area source emissions would be generated due to an increased demand for natural gas and fuel associated with the development of the proposed project. The primary use of natural gas and fuel producing area source emissions by the project would be for consumer products, architectural coatings, natural gas (limited to restaurant use only), ~~natural gas hearth~~, and landscaping. It should be noted that per Ordinance 2021-13, no natural gas use would be associated with the proposed residential development.

Mobile Source Emissions. According to the Traffic Impact Analysis, the proposed project would ~~generate a net increase of 1,173 result in a maximum of 1,963~~ daily trips, which equates to approximately ~~1,565.211,693.68~~ MTCO₂e/year of mobile source-generated GHG emissions as modeled in CalEEMod; refer to Table 3.5-5.

Indirect Project-Related Source of Greenhouse Gases

Energy Consumption. ~~Indirect e~~Energy consumption emissions were calculated using the CalEEMod model and project-specific land use data. Electricity would be provided to the project site via SDG&E. The project would indirectly result in 515.79~~576.74~~ MTCO₂e/year of GHG emissions due to energy consumption; refer to Table 3.5-5.

Water Demand. ~~The proposed project's operations would result in a demand of approximately 13.62 million gallons of water per year.~~ Emissions from indirect energy impacts due to water supply would result in 65.53~~52.25~~ MTCO₂e/year; refer to Table 3.5-5.

Solid Waste. Solid waste associated with operations of the proposed project would result in 15.42~~15~~ MTCO₂e/year; refer to Table 3.5-5.

Project Sustainable Design

The proposed project includes design features that would reduce project related GHG emissions. The project would install water-efficient fixtures in compliance with 2019 CALGreen Code. The proposed project would include recycling services per Assembly Bill 341, which would divert at least 75 percent of solid waste generated on-site away from local landfills. Further, high-efficiency lighting would be installed in compliance~~of the solid waste generation. The project would install high efficiency lighting, and would comply with the~~ with 2019 Title 24 standards, which would reduce energy usage by approximately 30 percent compared to nonresidential buildings constructed under the 2016 Title 24 standards. These sustainable design features have been incorporated in CalEEMod and shown in Table 3.5-5.

In addition, the project would install solar panels on-site that would produce approximately 250 kilowatts (kW) of solar power. ~~In addition, the project would install approximately 250 kilowatt (kW) of solar panels on-site.~~ According to the City's CAP, the City would increase solar capacity by 1.9 megawatts (MW) from residential and commercial development by 2030 and reduce GHG emissions by 1,066 MTCO₂e, which is equivalent to approximately 561 MTCO₂e per MW. Therefore, the proposed on-site solar panels (250 kW) ~~solar panels on-site~~ would reduce GHG emissions by 140.26 MTCO₂e/year. Furthermore, the project would include 39 electric vehicle ~~(EV)~~ charging stations (EVCS) on-site. According to the City's CAP, the City would increase the number of EV charging stations by 866 from residential and commercial development by 2030 and reduce GHG emissions by 3,146 MTCO₂e, which is equivalent to approximately 3.63 MTCO₂e per EV charging station. Therefore, the 39 EV charging stations on-site would reduce GHG emissions by 141.68 MTCO₂e/year.

Total Project-Related Sources of Greenhouse Gases

As shown in Table 3.5-5, the total amount of project related GHG emissions from direct and indirect sources combined minus the existing uses GHG emissions would total 1,701.331,770.10 MTCO₂e/year. With the emission reductions from on-site solar panels and EV charging stations, as well as residential natural gas use per Ordinance 2021-13, the project related GHG emissions would total 1,364.421,488.16 MTCO₂e/year. The project would increase population by 236 residents and employment by 38 employees (net increase from 24 employees for the existing uses to 62 employees for the proposed project minus 24 employees for the existing uses), totaling 274 service population. As such, the project would generate GHG emissions of approximately 4.985.4 MTCO₂e per year per service population, which would exceed the previously established significance threshold of 2.7 MTCO₂e per year per service population from the City's CAP.

Therefore, the impact would be potentially significant and mitigation would be required. Mitigation measure **GHG-1** is proposed to requires the project applicant to purchase and retire a total of approximately 18,739 MTCO₂e GHG offsets to reduce the project's GHG emissions to 2.7 MTCO₂e per year per service population-- (emissions in exceedance of City's threshold multiplied by the project service population of 274 multiplied by the 30 years of proposed project life equals approximately 18,739 MTCO₂e total offsets required to be mitigated for the project).

With ~~the~~ implementation of mitigation measure **GHG-1**, the project would not exceed the GHG emissions threshold from the City's CAP, and the impact would be reduced to less than significant with mitigation incorporated.

Mitigation Measures:

GHG-1 **Purchase and Retire Greenhouse Gas (GHG) Offsets.** The applicant shall purchase and retire 18,739 metric tons of carbon dioxide equivalent (MTCO₂e) greenhouse gas offsets to reduce the project's GHG emissions level to 2.7 MTCO₂e per service population per year, consistent with the performance standards and requirements set forth below.

- The GHG offsets shall be secured from an accredited registry that is approved by the California Air Resources Board (CARB), or from an emissions reduction credits program that is administered by CARB.
- The GHG offsets shall be secured from an accredited registry that uses a CARB-approved protocol which meets the requirements of California Code of Regulations, Title 17, §95972(a).

3.5 Energy Conservation and Climate Change

- The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable, as those terms are defined in Health & Safety Code §38562(d)(1) and (2) and California Code of Regulations, Title 17, §95802.
- Carbon offset credits can result from activities that reduce, avoid, destroy or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions occurring elsewhere. For the purpose of Project mitigation, carbon offset credits shall consist of direct emission reductions or sequestration that are used to offset the Project's direct emissions. As described in CARB Determination for State Assembly Bill 734, all carbon offset credits shall be purchased from a carbon offset registry which is approved by CARB and uses CARB-approved protocols, which at present include the following: the American Climate Registry, Climate Action Reserve, and Verra (formerly Verified Carbon Standard). The carbon offset credits shall be verifiable by the City and enforceable in accordance with the registry's applicable standards, practices, or protocols. The carbon offsets must substantively satisfy all six of the statutory "environmental integrity" requirements applicable to the CARB Cap-and-Trade Program, generally as set forth in both subdivisions (d)(1) and (d)(2) of California Health and Safety Code §38562: real, permanent, quantifiable, verifiable, enforceable, and additional. All offset credits shall be verified by an independent verifier who meets stringent levels of professional qualification (i.e., American National Standards Institute National Accreditation Board Accreditation Program for Greenhouse Gas Validation/Verification Bodies or a Greenhouse Gas Emissions Lead Verifier accredited by CARB), or an expert with equivalent qualifications to the extent necessary to assist with the verification. Without limiting the generality of the foregoing, in the event that an approved registry becomes no longer accredited by CARB and the offset credits cannot be transferred to another accredited registry, the project applicant shall comply with the rules and procedures for retiring and/or replacing offset credits in the manner specified by the applicable protocol or other applicable standards including (to the extent required) by purchasing an equivalent number of credits to recoup the loss.
- *Geographic Location:* Carbon offset credits shall be obtained from GHG reduction projects that occur in the following locations in order of priority: (1) off-site within the neighborhood surrounding the project site, including Encinitas; (2) the greater North County community; (3) within the San

Diego County Air Basin; (4) the State of California; and (5) the United States. For offset credits from projects outside the State of California, the applicant shall demonstrate in writing to the satisfaction of the City that the offset project meets requirements equivalent to or stricter than California's laws and regulations for ensuring the validity of offset credits.

- Any offset credits used for mitigation are subject to the approval of the City. Contracts for purchase of credits shall be entered into prior to issuance of a certificate of occupancy for each building and the applicant shall provide the third-party verification report concerning those credits, and the unique serial numbers of those credits showing that they have been retired. The City shall confirm receipt of the verification reports and serial numbers prior to issuance of a certificate of occupancy.
- ~~Purchase and Retire Greenhouse Gas (GHG) Offsets. The applicant or its designee shall purchase and retire greenhouse gas offsets to reduce the project's GHG emissions level to 2.7 metric tons carbon dioxide equivalent (MTCO_{2e}) per service population per year, consistent with the performance standards and requirements set forth below.~~
- ~~The GHG offsets shall be secured from an accredited registry that is recognized by the California Air Resources Board (CARB) or a California air district, or from an emissions reduction credits program that is administered by CARB or a California air district.~~
- ~~The GHG offsets shall be real, permanent, quantifiable, verifiable, and enforceable.~~
- ~~Recognizing that future regulatory mandates, technological advances, and/or final project design features would likely result in GHG emissions that are lower than the levels presented in this memorandum, the applicant may prepare a final project GHG emissions inventory prior to City of Encinitas issuance of building permits. The inventory shall be subject to verification by a City approved third party (at applicant expense), with the final emissions estimates dictating the increment to be mitigated through purchase of GHG offsets. The offsets must also be secured by the applicant and verified by the City of Encinitas prior to certificate of occupancy, thus providing full mitigation prior to completion of the project.~~

Level of Significance: Less than significant with mitigation incorporated.

3.5 Energy Conservation and Climate Change

CONFLICT WITH APPLICABLE PLANS, POLICIES, OR REGULATIONS

Impact 3.5-2 The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant.

The GHG plan consistency analysis for the project is based on the project’s consistency with the ~~2015-2021~~ Regional Plan, the 2017 Scoping Plan Update, the City’s CAP, and applicable goals found within the General Plan. The ~~2021~~~~2015~~ Regional Plan is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the San Diego region. ~~The 2015 Regional Plan incorporates local land use projections and circulation networks in city and county general plans.~~ The 2017 Scoping Plan Update describes the approach California will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030. The City’s CAP and General Plan contain strategies, goals, and policies that would help implement energy efficient, transportation, water efficient, and waste reduction measures and would subsequently reduce GHG emissions within the City.

Consistency with the SANDAG San Diego Forward: The Regional Plan

On December 10, 2021, SANDAG adopted the 2021~~15~~ Regional Plan. Specially, Chapter 2, Sustainable Community Strategy – A Framework for the Future, of the 2021 Regional Plan includes three core strategies that which projects, policies, and programs in accordance with the 2021 Regional Plan would be organized and implemented around~~includes five key SCS strategies for achieving the regional VMT and GHG reduction goals, as required by the State.~~ Table 3.5-6, Consistency with the 2021~~15~~ Regional Plan, shows the project’s consistency with these core~~five strategies found within SANDAG’s 2015 Regional Plan.~~ As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the ~~2021~~~~15~~ Regional Plan.

Table 3.5-6 Consistency with the 2021~~15~~ Regional Plan

Reduction Strategy	Project Consistency Analysis
<u>Invest in a reimagined transportation system: Build a network and fund services that include multimodal roadways; an expanded network of fast, frequent, and low-cost transit; 21st-century technology that manages the entire transportation system and connects people to on-demand services; and zero-emission options for vehicles and micromobility.</u> Focus housing and	<u>Consistent.</u> The project is an infill project located in urbanized area. The project would include a total of 258 parking spaces on-site, and 39 of these spaces would offer EVCS, which would constitute 15 percent of total parking spaces. Further, the project would install solar panels on-site producing approximately 250 kW of solar power, which would reduce GHG emissions by approximately 140.26 MTCO ₂ e/year. Further, the project site is located in proximity to an existing transportation network. The bus stop for North County Transit District’s Bus Line 101 is located near the project’s eastern boundary, and the nearest transit station serving Coaster trains is located approximately 2 miles to the north of the project site. The project would also implement Transportation Demand Management TDM strategies including a voluntary employer commute program, bikeshare program,

Table 3.5-6, continued

Reduction Strategy	Project Consistency Analysis
<p>job growth in urbanized areas where there is existing and planned transportation infrastructure, including transit.</p>	<p>pedestrian improvements, and provision of public transit information. Therefore, the project would be consistent with this strategy. Consistent. The project is an infill project located in urbanized area. The bus stop for North County Transit District's Bus Line 101 is located near the project eastern boundary. In addition, the nearest transit station serving Coaster trains is located approximately 2 miles to the north of the project site. The project would also implement Transportation Demand Management (TDM) strategies including voluntary employer commute program, bikeshare program, pedestrian improvements, and providing public transit information. Therefore, the project would support this strategy by providing housing and jobs near existing transportation infrastructure.</p>
<p>Incentivize sustainable growth and development: Collaborate with local jurisdictions and fund programs that accelerate housing production while also addressing the intertwined issues of equity, climate resilience, and mobility. Protect the environment and help ensure the success of smart growth land use policies by preserving sensitive habitat, open space, cultural resources, and farmland.</p>	<p>Consistent. The project proposes an infill mixed use project with 94 multi-family residential units, 75 of which would be rented at market rate and 19 would be affordable housing units dedicated to "low-income" (80% area median income) qualifying residents. The project also proposes hotel rooms and commercial uses that include offices, as well as a subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. Therefore, the project would accelerate housing production while also addressing the intertwined issues of equity, climate resilience, and mobility via providing housing for both the general population and low-income population. The project would be consistent with this strategy. Consistent. The project is located in an urbanized area on disturbed land. Therefore, the project would not conflict with the preservation of sensitive habitat, open space, cultural resources, or farmland.</p>
<p>Implement innovative demand and system management: Reduce solo driving and congestion through increased remote work, carsharing, vanpooling, pricing strategies, and parking-management programs that leverage partnerships and technology. Invest in a transportation network that gives people transportation choices and reduces greenhouse gas emissions.</p>	<p>Consistent. As discussed above, the project would include 39 EVCS and install solar panels on-site. The project would also implement TDM strategies to provide residences and employees multiple transportation choices. Additionally, it is acknowledged that the project is located in an urbanized area near existing bus stops and a transit station. Therefore, the project would be consistent with this strategy. Consistent. As discussed above, the project would be located near bus stops and transit station and would implement TDM strategies to provide residences and employees multiple transportation choices, and thus would reduce GHG emissions.</p>
<p>Address the housing needs of all economic segments of the population.</p>	<p>Consistent. The project is a mixed-use project with 94 multi-family residential units, including 20 low-income density bonus affordable units. Therefore, the project would be consistent with this strategy by providing housing for both the general population and low-income population.</p>
<p>Implement the Regional Plan through incentives and collaboration.</p>	<p>Not Applicable. The project would not impair the ability of SANDAG to implement the Regional Plan through incentives and collaborations.</p>

Source: San Diego Association of Governments, *San Diego Forward: The 2021 Regional Plan*, December 10, 2021; SANDAG, *San Diego Forward: The Regional Plan*, October 9, 2015.

Consistency with the 2017 CARB Scoping Plan Update

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions will be adopted as required to achieve statewide GHG emissions targets. Provided in Table 3.5-7, Consistency with the 2017 Scoping Plan Update, is an evaluation of applicable reduction actions and strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions and strategies outlined in the 2017 Scoping Plan Update.

Table 3.5-7 Consistency with the 2017 Scoping Plan Update

Actions and Strategies	Project Consistency Analysis
SB 350	
Achieve a 50 percent Renewables Portfolio Standard (RPS) by 2030, with a doubling of energy efficiency savings by 2030.	Consistent. The proposed project would not be an electrical provider or <u>and</u> would <u>not</u> delay the goals of SB 350. Furthermore, the project would utilize electricity from SDG&E which would be required to comply with SB 350. As such, the project would be in compliance with SB 350.
Low Carbon Fuel Standard (LCFS)	
Increase stringency of carbon fuel standards; reduce the carbon intensity of fuels by 18 percent by 2030, which is up from 10 percent in 2020.	Consistent. Motor vehicles driven within the project area would be required to use LCFS complaint fuels. <u>Thus,</u> thus the project would be in compliance with this goal.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario)	
Maintain existing GHG standards of light and heavy-duty vehicles while adding an addition 4.2 million zero-emission vehicles (ZEVs) on the road. Increase the number of ZEV buses, delivery trucks, or other trucks.	Consistent. The proposed project would include residential and commercial uses which may include occasional light-, medium-, and heavy-duty truck trips. Truck uses associated with the project would be required to comply with all CARB regulations, including the LCFS and newer engine standards. The proposed project would not conflict with the CARB’s goal of adding 4.2 million zero-emission (ZEVs) on the road. Furthermore, development within the project area would be required to comply with the most current version of the Title 24 and CALGreen Code at the time of construction <u>and</u> Therefore, the project would install <u>EV</u> Electric vehicle (EV) charging stations and EV parking spaces on-site. As such, the project would not conflict with the goals of the Mobile Source Strategy.

Table 3.5-7, continued

Actions and Strategies	Project Consistency Analysis
Sustainable Freight Action Plan	
<p>Improve the freight system efficiency and maximize the use of near zero emission vehicles and equipment powered by renewable energy. Deploy over 100,000 zero-emission trucks and equipment by 2030.</p>	<p>Consistent. As described above, truck uses within the project area would be required to comply with all CARB regulations, including the LCFS and newer engine standards. Additionally, the project would not conflict with CARB’s goal to deploy over 100,000 zero-emission trucks and equipment by 2030, as the project would comply with all future applicable regulatory standard adopted by CARB. The project would also install <u>EVCS charging stations</u> and <u>EV parking spaces</u> on-site, which would encourage the use of zero-emission vehicles.</p>
Short-Lived Climate Pollutant (SLCP) Reduction Strategy	
<p>Reduce the GHG emissions of methane and hydrofluorocarbons by 40 percent below the 2013 levels by 2030. Furthermore, reduce the emissions of black carbon by 50 percent below the 2013 levels by the year 2030.</p>	<p>Consistent. The project does not involve sources that would emit large amounts of methane (refer to <u>Table 3.5-5</u>). Furthermore, the project would comply with all CARB and SDAPCD hydrofluorocarbon regulations. As such, the proposed project would not conflict with the SLCP reduction strategy.</p>
SB 375 Sustainable Communities Strategies	
<p>Increase the stringency of the 2035 GHG emission per capita reduction target for metropolitan planning organizations (MPO).</p>	<p>Consistent. As shown in <u>Table 3.5-6</u>, the project would be consistent with the SANDAG’s 2021 Regional Plan and would not conflict with the goals of SB 375. Furthermore, the project would implement Transportation Demand Management <u>TDMs</u> measures to reduce vehicle miles traveled.</p>
Post-2020 Cap and Trade Programs	
<p>The Cap-and-Trade Program will reduce greenhouse gas (GHG) emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals.</p>	<p>Not Applicable. As seen in <u>Table 3.5-6</u>, the project would not generate GHG emissions over 25,000 metric tons per year cap and trade emission threshold. Therefore, the project would not conflict with this goal.</p>

Source: California Air Resources Board, 2017 Scoping Plan, November 2017.

Consistency with City of Encinitas General Plan

The City’s General Plan Circulation Element, Resource Management Element, and Housing Element Update identify goals and policies that would contribute to a reduction in the City’s overall GHG emissions. Table 3.5-8, Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan, compares the proposed project to applicable policies from the General Plan.

Table 3.5-8 Project Consistency with Applicable Goals and Policies of the City of Encinitas General Plan

Goal/Policy	Project Consistency
Circulation Element	
<p>Goal 1: Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.</p> <ul style="list-style-type: none"> 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. 	<p>Consistent. The project would incorporate Transportation Demand Management (TDM)TDM strategies that would promote alternative transportation modes and reduce the dependence on personal automobile, including:</p> <ul style="list-style-type: none"> Voluntary employer commute program
<p>Goal 3: The City of Encinitas will promote the use of other modes of transport to reduce the dependence on the personal automobile.</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> Develop and/or promote bicycle usage through a bikeshare program Provide pedestrian improvements such as a connection to the hotel to the north Provide information about maps, routes, and schedules for public transit <p>In addition, the project site is located close to local bus stops and regional transit stations, and the project would provide bicycle parking spaces on-site. These measures and strategies would ensure the project’s consistency with General Plan Circulation Element policies and goals.</p>
Resource Management Element	
<p>Goal 1: The City will conserve, protect, and enhance the water resources in the Planning Area.</p> <ul style="list-style-type: none"> 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. 	<p>Consistent. The project would install water-efficient fixtures in compliance with 2019 CALGreen Code. In addition, the project would utilize low water use plants appropriate to the region and efficient irrigation system with smart controllers and rain sensors.</p>

Table 3.5-8, continued

Goal/Policy	Project Consistency
<p>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.</p> <ul style="list-style-type: none"> • 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. 	<p>Consistent. The project would include recycling services per Assembly Bill 341, which would divert at least 75 percent of the solid waste generated on-site.</p>
<p>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.</p> <ul style="list-style-type: none"> • Policy 9.4: Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City. 	<p>Consistent. Refer to Goal 1 of <u>the Resource Management Element</u> above.</p>
<p>Goal 15: The City will make every effort to conserve energy in the City thus reducing our dependence on fossil fuels.</p> <ul style="list-style-type: none"> • 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. 	<p>Consistent. The project would utilize renewable energy by installing solar water heaters for commercial uses and installing approximately 250 kW of solar panels that <u>would generate approximately 250 kW of solar power.</u> throughout the project site. The project would also comply with the latest energy conserving construction standards and requirements in the 2019 Title 24 Standards and CALGreen Code.</p>
<p>Housing Element Update</p>	
<p>Goal 2: Sound housing will be provided in the City of Encinitas for all persons.</p> <ul style="list-style-type: none"> • 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. 	<p>Consistent. Refer to <u>Table 3.5-9</u> below for discussion on project consistency with the City's Climate Action Plan energy efficiency conservation measures.</p>

Source: City of Encinitas, *General Plan Circulation Element*, last amended January 22, 2003.
 City of Encinitas, *General Plan Resource Management Element*, last amended March 9, 2011.
 City of Encinitas, 2013-2021 Housing Element, Section 1: Housing Element Policy Program, adopted March 13, 2019.

Consistency with City of Encinitas Climate Action Plan

The City's CAP identifies GHG reduction strategies, goals, and actions that the City will implement to achieve its GHG reduction target by 2030. Strategies, goals, and actions focus on locally based programs, policies, and projects that will reduce GHG emissions in various categories as a complement to legislative actions taken by the federal and State governments. Table 3.5-9,

3.5 Energy Conservation and Climate Change

Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan, compares the proposed project to applicable strategies from the CAP.

Table 3.5-9 Project Consistency with Applicable Strategies of the City of Encinitas Climate Action Plan

Strategy	Project Consistency
<p>RE-2 Require New Homes to install Solar Photovoltaic Systems Require new multi-family homes to install at least 1 W solar per square feet (e.g., 1,000 sq. ft. home = 1 kW) or minimum 1 kW per unit, to install solar PV systems, unless the installation is impracticable due to poor solar resources.</p>	<p>Consistent. The project would include 72,982<u>73,284</u> square feet of multi-family residential <u>units as well as 34 hotel rooms and buildings, 18,109 square feet of hotel, and 18,262 square feet of commercial uses. buildings.</u> According to Strategy RE-2, the project would be required to install 1 kW of solar panels per square feet of multi-family residential use, which is equivalent to 73 kW of solar panels in total.</p>
<p>RE-3 Require Commercial Buildings to install Solar Photovoltaic Systems Require installation solar photovoltaic systems on all new commercial buildings, including the commercial portion of mixed-use projects, unless the installation is impracticable due to poor solar resources or other physical constraints, as approved Director of Development Services.</p>	<p>The project would install <u>solar panels on-site that would generate</u> approximately 250 kW of solar panels on-site<u>power.</u>—Therefore, the project would be consistent with these strategies.</p>
<p>CET-4 Require Residential Electric Vehicle Charging Stations Starting in 2018, require new residential units to install EVCS equipment. For Multi-Family: Install EVCS equipment at 5% of the total number of parking spaces.</p>	<p>Consistent. The project would include a total of 258 parking spaces on-site, and 39 of these spaces would be <u>equipped with electric vehicle charging stations (EVCS),</u> which would constitute 15 percent of total parking spaces. Therefore, the project would be consistent with these strategies by providing more than 8 percent EVCS of total parking spaces.</p>
<p>CET-5 Require Commercial Electric Vehicle Charging Stations Stating in 2018, require installation of EVCS at 8% of the total number of parking spaces. For all new commercial buildings, including the commercial portion of mixed-use projects.</p>	<p>Therefore, the project would be consistent with these strategies by providing more than 8 percent EVCS of total parking spaces.</p>

Source: City of Encinitas, *Climate Action Plan*, November 2020.

Consistency with Applicable GHG Plans, Policies, or Regulations

In summary, the project’s characteristics render it consistent with statewide, regional, and local climate change mandates, plans, policies, and recommendations. More specifically, the GHG plan consistency analysis provided above demonstrates that the project complies with the regulations and GHG reduction goals, policies, actions, and strategies outlined in the ~~2021~~15 Regional Plan, the 2017 Scoping Plan Update, the City’s General Plan, and the City’s CAP. Consistency with these plans would reduce the impact of the project’s incremental contribution of GHG emissions. Accordingly, the project would not conflict with any applicable plan, policy, regulation, or recommendation adopted for the purpose of reducing GHG emissions. Therefore, project related greenhouse gas emission impacts in relation to consistency with applicable plans, policies, and/or regulations governing GHG reductions would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES

Impact 3.5-3 **The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impacts would be less than significant.**

Electricity, natural gas, and fuel consumption associated with the proposed project has been prepared utilizing CalEEMod and EMFAC2017. Energy consumption was calculated for both the existing conditions and the proposed project; refer to Appendix E. The project’s electricity, natural gas, and fuel consumption depicted in Table 3.5-10, Project and Countywide Energy Consumption, include energy consumption reductions from existing uses. It should be noted that per Ordinance 2021-13, no natural gas use would be associated with the proposed residential development. As shown in Table 3.5-10, the project’s energy usage would constitute an approximate ~~0.00720068~~ percent increase over the County’s typical annual electricity consumption, and an approximate ~~0.00640051~~ percent increase over the County’s typical annual natural gas consumption. Additionally, the project’s construction fuel consumption would increase the County’s consumption by 0.1 percent, and the project’s operational vehicle operational vehicle fuel consumption would increase the County’s consumption by 0.0109 percent, and the project’s construction fuel consumption would increase the County’s consumption by 0.0139948 percent. (Criterion 1).

Table 3.5-10 Project and Countywide Energy Consumption

Energy Type	Project Annual Energy Consumption ¹	San Diego County Annual Energy Consumption ²	Percentage Increase Countywide
Electricity Consumption ³	1,368,286 MWh	19,047,674,19,044,726 MWh	0.007268%
Natural Gas Consumption ³	27,119,21,863 therms	533,912,231,505,216,400 therms	0.004351%
Operational Automotive Fuel Consumption ^{3,4}	162,083,184,992 gallons	1,490,698,455,1,327,707,014 gallons	0.01039%
Construction (Heavy-Duty Diesel Vehicle) Fuel Consumption	102,977,78,579 gallons	108,341,542 108,601,793 gallons	0.0725948%

Notes: Refer to Appendix E for assumptions used in this analysis.

1. As modeled in CalEEMod version 2020.4.046.3.2.
2. The project’s electricity, natural gas, and fuel consumption are compared to the total consumption in San Diego County in 2020. San Diego County consumption data are shown in Table 3.5-2, Table 3.5-3, and Table 3.5-4 of this study.
3. The project’s electricity and natural gas consumption includes reductions from existing uses.
4. Project fuel consumption is calculated based on CalEEMod results for the proposed project. Trip generation and vehicle miles traveled modeled under proposed project included reductions from existing uses. Future San Diego Countywide fuel consumption in 2024 (operation year) is from the California Air Resources Board’s EMFAC2017 model.

3.5 Energy Conservation and Climate Change

Construction-Related Energy

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during demolition, grading, and construction. As indicated in Table 3.5-10, the project's fuel consumption from construction would be approximately ~~102,977~~78,579 gallons, which would increase fuel use in the County by ~~0.0948~~0.0725 percent. As such, construction would have a nominal effect on the local and regional energy supplies and would not require additional capacity (**Criterion 2**).

Some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**Criterion 4**).

Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-recycled materials. The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials. It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment, building materials, or methods that would be less energy efficient than at comparable construction sites in the region or State. Therefore, fuel energy and construction materials consumed during construction would not represent a significant demand on energy resources (**Criterion 5**).

Therefore, construction energy use would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. A less than significant impact would occur in this regard.

Operational Energy Consumption

Transportation Energy Demand

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 3.5-10 estimates the annual fuel consumed by vehicles traveling to and from the project site. As indicated in Table 3.5-10, project operations are estimated to consume a net increase of approximately ~~184,992~~~~62,083~~ gallons of fuel per year, which would increase Countywide automotive fuel consumption by 0.01~~309~~ percent. The project does not propose any unusual features that would result in excessive long-term operational fuel consumption (**Criterion 2**).

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. ~~Such~~~~These~~ factors are outside of the scope of the ~~project design~~ ~~of the proposed project~~. However, the project would include 39 on-site ~~EVCS~~~~electric vehicle charging stations~~ in parking lots and in the parking garage. This project design feature would encourage and support the use of electric vehicles by residents, workers, and visitors of the proposed project and thus reduce the petroleum fuel consumption. In addition, as discussed in the Traffic Impact Analysis, the project would implement ~~Transportation Demand Management (TDM)~~TDM strategies including a voluntary employer commute program, bikeshare program, pedestrian improvements, and providing public transit information. These strategies would reduce VMT and thus reduce transportation related fuel consumption (**Criterion 4** and **Criterion 6**).

Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

Building Energy Demand

The CEC developed year 2020 to 2035 forecasts for energy consumption and peak demand in support of the 2021 IEPR for each of the major electricity and natural gas planning areas and the State, based on economic and demographic growth projections.¹ The CEC forecasts that the

¹ California Energy Commission, *Final 2021 Integrated Energy Policy Report Volume IV California Energy Demand Forecast*, February 2022. Annual average growth rates of electricity demand and natural gas per capita demand are shown in Figure 10 and Figure 14, respectively, on the document.

3.5 Energy Conservation and Climate Change

~~statewide annual average growth rates of energy demand between 2021 and 2030 will be 1.3 percent to 2.3 percent increase for electricity and a less than 0.1 percent to 0.8 percent increase for natural gas. The CEC developed 2018–2030 forecasts for energy consumption and peak demand in support of the 2017 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections. CEC forecasts that the statewide annual average growth rates of energy demand between 2016 and 2030 would be 0.99 percent to 1.59 percent for electricity and 0.25 percent to 0.77 percent for natural gas. As shown in Table 3.5-10, operational energy consumption of the project would represent an approximately 0.009468 percent increase in electricity consumption and an approximately 0.009954 percent increase in natural gas consumption over the current Countywide usage, which would be significantly lower than the CEC’s energy demand forecasts. The commercial component of the project would consume energy during the same time periods as other similar commercial developments, and the residential component of the project would consume energy evenly throughout the day. As a result, the project would not result in unique or more intensive peak or base period electricity demand (Criterion 2 and Criterion 3).~~

The proposed project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the current 2019 Title 24 standards significantly reduces energy usage (30 percent for nonresidential buildings and 53 percent for residential buildings) when compared to the 2016 standards. The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update; therefore, complying with the latest ~~2019~~ Title 24 standards would make the proposed project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards (Criterion 4).

Furthermore, the electricity provider, SDG&E, is subject to California’s Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The project would also install on-site solar panels generating approximately 250 kW of solar power ~~panels on-site~~. The increase in reliance of renewable energy resources further ensures that the project would not result in the waste of the finite energy resources (Criterion 5).

Therefore, the project would not ~~cause—result in~~ wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY

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.**

The project would comply with the most recent version Title 24 and CALGreen efficiency standards, which would ensure the project design incorporates photovoltaic solar panels, energy efficient windows, insulation, lighting, ventilation systems, water efficient fixtures, as well as green building standards. In addition, the project would comply with energy efficiency and renewable energy goals and policies found ~~with~~ within the City’s CAP and General Plan, as listed in Table 3.5-8 and Table 3.5-9 under the GHG impacts discussion above. Adherence to the Title 24 and CALGreen requirements and the City’s CAP and General Plan goals and policies would ensure that the project would be consistent with the Energy Efficiency Strategic Plan strategies and the IEPR building energy efficiency recommendations. Therefore, the proposed project would not conflict with or obstruct a State or local~~an adopted plan, policy, or regulation~~ pertaining to 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 with mitigation incorporated.**

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

3.5 Energy Conservation and Climate Change

agencies to do the same. As such, the City predominantly uses the CAP as the mechanism to reduce GHG emissions and energy consumption in the City on a project-by-project basis.

Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to energy resources, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. Additionally, to be conservative, the cumulative analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)).

Potential Cumulative Impacts

The proposed project is consistent with the General Plan and accounted for in the HEU. The proposed project is required to be consistent with the City's CAP through implementing the appropriate CAP measures and implementation of mitigation measure. As stated under Impact 3.5-1, the proposed project is required to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO₂e per year per service population to comply with the City's CAP. With the implementation of mitigation measure **GHG-1**, the project would not exceed the GHG emissions threshold from the City's CAP, and the impact would be less than significant with mitigation incorporated.

Similarly, other cumulative projects analyzed in the HEU would also be consistent with the General Plan, and future projects would be subject to provisions of the CAP and any associated implementing ordinances in effect at the time of application submittal for those projects. Furthermore, future development would be subject to compliance with applicable federal, state, and local energy and building regulations.

As to energy consumption, this cumulative impact analysis focuses on the three sources of energy that are relevant to the proposed project: (1) electricity (including energy required for water delivery, sanitary sewer, and solid waste disposal), (2) natural gas, and (3) transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for project construction. Construction of the cumulative projects listed in [Table 3.0-1](#) and [Table 3.0-2](#) would not represent a substantial increase in demand for local or regional energy supplies because construction fuel use would be temporary and would cease upon completion of project construction. None of the cumulative projects would involve any unusual characteristics that would result in excessive long-term operational demand for electricity or natural gas.

As described under Impact 3.5-1, the proposed project includes project components to promote sustainability through site design that would conserve energy, water, open space, and other natural resources, and would become specific conditions of approval by the City. Other

cumulative projects would also include project components to comply with the CAP and/or other local, state, and federal regulations. As required by CET-4 and CET-5 of the CAP, projects are required to install rooftop solar panels and Level II EV charging stations, which would reduce each cumulative project's energy consumption. As stated in Impact 3.5-3, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

Impacts would be reduced to less than significant levels with implementation of mitigation measure **GHG-1**. Therefore, the proposed project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **GHG-1**.

Level of Significance: Less than cumulatively considerable.

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Section 3.6

Geology and Soils

This section discusses the environmental setting, existing conditions, regulatory context, and potential impacts of the proposed project in relation to geology and soils. The information and analysis in this section is based on the *Update to the Revised Report - Geotechnical Investigation, Leucadia Mixed-Use 1900-1950 North Coast Highway*, prepared by NOVA (2021; [Appendix F](#)), and the *Paleontological Resources Technical Report for the L101 Storm Drain Improvement Project*, prepared by PaleoServices of the San Diego Natural History Museum (2020; [Appendix I](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third party technical reports have been peer reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Geologic Setting

Regional Geology

The project area is situated in the Coastal Plain of the Peninsular Range geomorphic province. This geomorphic province encompasses an area that extends approximately 900 miles from the Transverse Ranges and the Los Angeles Basin south to the southern tip of Baja California and varies in width from approximately 30 to 100 miles. The province is characterized by mountainous terrain on the east composed mostly of Mesozoic igneous and metamorphic rocks, and relatively low-lying coastal terraces to the west underlain by late Cretaceous-age, Tertiary-age, and Quaternary-age sedimentary units. Most of the coastal region of San Diego County occurs on these coastal terraces and is underlain by sedimentary units. The gradual emergence of the coastal region from the sea occurred in Pleistocene time, and numerous wave-cut platforms, most of which were covered by relatively thin marine and nonmarine terrace deposits, formed as the sea receded from the land.

Site-Specific Geology

Based upon the geotechnical investigation prepared for the project (NOVA 2021), the subject site is located atop a coastal terrace that forms a coastal bluff west of the property. The site is underlain by Pleistocene-aged old paralic deposits. The paralic deposits generally consist of strandline, beach, estuarine and colluvial siltstones, sandstones and conglomerates. The paralic deposits consist of orange-brown, dry to damp, weakly cemented, weathered, friable, silty sandstone. This silty sandstone is underlain by a pale orange gray to grayish-white, dry to damp friable sandstone with trace silt. In some areas where existing improvements have occurred, the

3.6 Geology and Soils

paralic deposits are overlain by a thin veneer of artificial fill to maximum depths of 5 feet below ground surface (bgs), but generally less than two feet (NOVA 2021).

Seismic and Geologic Hazards

During the Pliocene, several new faults developed in Southern California, creating a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. One of these fault systems is the Rose Canyon Fault Zone.

The principal known onshore faults in southernmost California are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon. The principal offshore faults include the Coronado Bank, Descanso, San Diego Trough, and San Clemente Faults off the San Diego and northern Baja California coastline. The majority of the offshore faults coalesce south of the international border where they come onshore as the Agua Blanca Fault which transects the Baja California peninsula.

Active Faults

The US Geological Survey defines an active fault as a fault that has had surface displacement within Holocene times (approximately the last 11,000 years) and is therefore considered more likely to generate a future earthquake. California's Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults that pose a risk of surface ground rupture, and to issue appropriate maps to mitigate the hazard of surface faulting to structures for human occupancy and prevent the construction of buildings used for human occupancy on the surface trace of active faults (CGS 2010).

No known active or potentially active faults transect or project toward the site. In addition, the site is not located within an earthquake fault zone mapped by the State or by the County of San Diego. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site (NOVA 2021).

Liquefaction

Liquefaction is the phenomenon whereby soils lose shear strength and exhibit fluid-like flow behavior. Loose granular soils are most susceptible to these effects, with liquefaction generally restricted to saturated or near-saturated soils at depths of less than 50 feet. According to the Geotechnical Investigation, the potential for liquefaction on-site is considered to be low due to the presence of cemented, dense silty fine to medium sand, and geographically older Unit 2 paralic deposits underlying the project site (NOVA 2021). Additionally, according to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

Ground Shaking

Ground shaking is the earthquake effect that produces the vast majority of damage, and is the most common effect of earthquakes that adversely affects people, animals, and constructed improvements. Several factors control how ground motion interacts with structures, making the hazard of ground shaking difficult to predict. Earthquakes, or earthquake-induced landslides, can cause damage near and far from fault lines. Damage to public and private buildings and infrastructure can threaten public safety and result in significant economic loss. Seismic waves propagating through the earth's crust are responsible for the ground vibrations normally felt during an earthquake. Seismic waves can vibrate in any direction and at different frequencies, depending on the frequency content of the earthquake rupture mechanism and the path and material through which the waves propagate. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site. According to the Geotechnical Investigation, the primary seismic hazard is a moderate-to-severe ground shaking risk in response to a large-magnitude earthquake during the lifetime of the planned development (NOVA 2021). Additionally, the California Building Code (CBC) defines different Seismic Design Categories based on building occupancy type and the severity of the probable earthquake ground motion at the site. The six Seismic Design Categories are designated A through F, with Category A having the least seismic potential and Category F having the highest seismic potential. Due to the presence of shallow granite bedrock on-site, the Geotechnical Investigation identifies the site as Site Class D "Stiff Soil," per the American Society of Civil Engineers (NOVA 2021).

Coastal Bluff Stability

Coastal bluff instability is generally attributed to marine and subaerial erosion mechanisms. Marine processes (i.e., wave and tidal driven impact and abrasion) drive erosion at the bluff base while subaerial (including subsurface) erosion mechanisms (i.e., groundwater processes and surface water runoff) act over the entire bluff face. Groundwater seeps associated with perched water from irrigation return flow and regional groundwater flow cause changes in sub-surface pore water pressures at the bluff face which can lead to mass movement. Similarly, surface water runoff over the bluff face can cause rilling and slope wash which affect bluff stability. Alteration of surface drainage and soil infiltration characteristics (e.g., development) can intensify subaerial erosion mechanisms and contribute to increased bluff erosion rates (Young 2017).

Inland Slope Stability and Landslides

A portion of the northernmost parcel (Parcel 1; APN 216-041-20) is located within a Special Study Overlay Zone. The other two parcels that comprise the project site are not within the boundaries of this overlay zone. In accordance with City requirements, a site-specific study and slope analysis

3.6 Geology and Soils

was conducted to determine whether the project would be subject to the requirements of the Hillside/Inland Bluff Overlay.

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

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

Erosion

Grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the surface. Based on on-site conditions, exposed on-site soils may be subject to soil erosion during project ground disturbing activities.

Paleontological Resources

The Highway 101 corridor is underlain by a layer cake series of geologic units including (listed herein from top to bottom and youngest to oldest) Pleistocene-age (approximately 220,000 to 85,000 years old) old paralic deposits (broadly equivalent to the Bay Point Formation), and Eocene-age (approximately 46 to 40 million years old) strata of the Santiago Formation. Although the contact between these two geologic units in the subsurface is not precisely known, based on exposures of this contact in the sea cliffs at Beacon's Beach, it is estimated that the contact lies closer to 28 feet above mean sea level (amsl) (PaleoServices 2020).

The Bay Point Formation is known to preserve fossils of marine invertebrates (clams, snails, crustaceans, and echinoderms) and marine vertebrates (sharks, rays, and bony fishes), but has also yielded fossils of Ice Age land mammals (rodents, dire wolf, horses, tapirs, camels, deer, bison, mastodon, mammoth, and ground sloths). Based on this proven fossil record, the Bay Point Formation is typically assigned a moderate to high paleontological sensitivity. As exposed in the sea cliffs, the Bay Point Formation is represented by up to 75 feet of friable to compact sandstones, while along the North Coast Highway 101 corridor, it is estimated to be approximately 20 to 30 feet in thickness (PaleoServices 2020).

The contact with the underlying Eocene-age Santiago Formation in the project vicinity occurs at approximately 24 feet above mean sea level (amsl). This contact represents an elevated marine abrasion platform (sea floor) that was eroded into the Santiago Formation during a Pleistocene interglacial high sea stand.

The Santiago Formation is known to preserve fossils of marine invertebrates (corals, bryozoans, clams, snails, crustaceans, and echinoderms) and marine vertebrates (sharks, rays, and bony fishes), as well as fossils of early turtles, snakes, lizards, crocodiles, birds, and land mammals (opossums, hedgehogs, bats, primates, rodents, early carnivorans, tapirs, and others). Based on this proven fossil record, the Santiago Formation is typically assigned a high paleontological sensitivity (PaleoServices 2020).

In Leucadia, as exposed in the sea cliffs, the Santiago Formation is represented by approximately 25 feet of interbedded dark olive gray laminated mudstones, massive siltstones, and very fine-grained sandstones. The occurrence of well-preserved marine mollusks and sharks from these exposures has been reported (PaleoServices 2020).

REGULATORY FRAMEWORK

State

California Building Code

The State of California establishes minimum standards for building design and construction through the California Building Code (CBC) (California Code of Regulations, Title 24). The CBC is based on the Uniform Building Code, which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the Uniform Building Code are reflected in the CBC requirements.

The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control. The City of Encinitas has adopted the 2019 California Building Standards Code, with local amendments (City of Encinitas 2020).

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, San Diego County and 18 local jurisdictions, including the City of Encinitas, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP is a countywide plan that

3.6 Geology and Soils

identifies risks and ways to minimize damage by natural and man-made disasters. It is a comprehensive document that serves many purposes, including creating a decision tool for management, promoting compliance with State and federal program requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The City's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP.

Local

City of Encinitas General Plan

The City's General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life in Encinitas. The General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses in the community. Goals and policies relevant to the proposed project are listed below.

Land Use Element

GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253)

Policy 8.1: Require that any improvement constructed in an area with a slope of more than 25% and other areas where soil stability is at issue to submit soils and geotechnical studies to the City for review and approval. These studies shall document that the proposed development will not adversely affect hillside or soil stability and that no future protective measures will be required. (Coastal Act/30253)

Resource Management Element

Policy 8.5: The City will encourage the retention of the coastal bluffs in their natural state to minimize the geologic hazard and as a scenic resource. Construction of structures for bluff protection shall only be permitted when an existing principal structure is endangered and no other means of protection of that structure is possible. Only shoreline/bluff structures that will not further endanger adjacent properties shall be permitted as further defined by City coastal bluff regulations. Shoreline protective works, when approved, shall be aligned to minimize encroachment onto sandy beaches. Beach materials shall not be used as backfill material where retaining

structures are approved. Approved devices protecting against marine waves shall be designed relative to a design wave, at least equal to 1982–83 winter storm waves. (Coastal Act/30235/30240/30251/30253).

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

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

GOAL 14: The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources and avoid the costs of dealing with repair and sedimentation removal. (Coastal Act/30231/30240/30250/30253)

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

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

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

Policy 14.5: To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1–April 15, without all systems and devices per an

3.6 Geology and Soils

approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period. (Coastal Act/30251)

- Policy 14.6: To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction. (Coastal Act/30251)
- Policy 14.7: Minimize extensive or premature grading or filling, and penalize illegal grading or filling.

Circulation Element

- Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone of the zoning code. Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be

made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel)...

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

North Coast 101 Corridor Specific Plan (N101SP)

The City's General Plan identifies the N101SP due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies and provisions for the beach-side commercial corridor within the Leucadia community. The primary purpose of the N101SP is to address the unique aspects, problems, and opportunities of the North Coast Highway 101 corridor, and to maintain its identity, community character and scale, while fostering revitalization of this commercial corridor. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. The N101SP provides custom-tailored use and development regulations, and sets forth goals.

The bluffs to the north of La Costa Avenue are identified in the N101SP as important resources in need of protection and enhancement, and specific goals and objectives have been established which address these resources. However, none of these goals apply to the project site relative to geology; the project site is buffered from the bluffs north of La Costa Avenue by intervening development and would not affect such features.

Hillside/Inland Bluff Overlay Zone

According to the City's Municipal Code (Section 30.34.030), the Hillside/Inland Bluff Overlay Zone (H/IBO) regulations applies to lands "where site-specific analysis indicates that 10 percent or more of the area of a parcel of land exceeds 25 percent slope." For projects within this zone, preparation of a slope analysis is required to classify the onsite slopes.

Within this overlay zone, slopes of greater than 25% grade are required to be preserved in their natural state; however, encroachment into such areas is allowed when no feasible alternative siting or design that avoids or substantially reduces the need for such construction or grading is available, and when the bulk and scale of any proposed structure has been minimized to the greatest extent feasible commensurate with preserving the physical slope characteristics of the

3.6 Geology and Soils

site. Site-specific geologic investigations for the project site demonstrate that the slopes on that site are manufactured due to historic grading activities; therefore, the project is not subject to H/IBO regulations ([Appendix F](#)).

City of Encinitas Municipal Code

The City's Grading, Erosion, and Sediment Control Ordinance (Municipal Code Chapter 23.24) establishes minimum requirements for grading, excavating, and filling of land to provide for the issuance of grading permits and provides for the enforcement of the requirements. This ordinance was adopted pursuant to, and to implement provisions of, the General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property and promote the general welfare, enhance and preserve the physical environment of the community, and maintain the natural scenic character of the City. The provisions of this ordinance shall be administered to achieve, to the extent possible, appropriate goals and policies of the General Plan/LUP. Key provisions include, but are not limited to, the following:

- Section 23.24.140 requires that a grading plan be prepared and signed by a California registered civil engineer. If a soils and geology report is required, the grading plan must be signed by a registered soil engineer and a certified engineering geologist.
- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan to be included as part of the grading plan by a California registered civil engineer with respect to conditions existing on the site during land-disturbing or filling activities or soil storage and the conditions existing on the site after final structures and improvements (except those required under this section) have been completed and where these final structures have not been covered by an interim plan.
- Section 23.24.170 states that a soil engineering report, when required by the City Engineer, shall be prepared and certified by a California registered soils engineer and shall be based on adequate and necessary test borings.
- Section 23.24.180 requires the preparation of an engineering geology report in accordance with Ordinance 2008-03. In addition to a soils report, an engineering geology report is required when the City Engineer determines that the proposed development is in an existing or a potential geological hazardous area. A geological hazardous area is referred to as an area subject to landslide, faulting, or other hazards identified by the City Engineer. The report must be prepared by a California certified engineering geologist and California certified civil engineer or geotechnical engineer and is to be based on adequate and necessary test borings.

STANDARDS OF SIGNIFICANCE

The analysis below is based upon research conducted by NOVA in preparing the Geotechnical Investigation. Such research included field and laboratory investigations to evaluate geotechnical conditions on-site and in the project vicinity (see [Appendix F](#)).

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the effects of a potential project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary, depending on the nature of the proposed project. According to Appendix G of the State CEQA Guidelines, a project would have a significant impact related to geology and soils if it would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
 - b. Strong seismic ground shaking.
 - c. Seismic-related ground failure, including liquefaction.
 - d. Landslides.
2. Result in substantial soil erosion or the loss of topsoil.
3. Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
4. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

3.6 Geology and Soils

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. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site. This system has the potential to be a source of strong ground motion (NOVA 2021).

Although no active faults traverse the project site, all new development would be required to comply with the requirements of the Alquist-Priolo Fault Zoning Act and the CBC. CBC requirements address structural seismic safety and include design criteria for seismic loading and other geologic hazards, including design criteria for geologically induced loading that govern sizing of structural members, building supports, and materials and provide calculation methods to assist in the design process. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Furthermore, the project would be designed and constructed in accordance with site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and other recommendations to ensure all buildings are constructed to appropriate engineering requirements. Conformance with such requirements would further minimize or reduce potential safety risks to project residents and other occupants of the site.

Due to distance to the nearest fault and the magnitude of past seismic activity, in combination with the findings of the Geotechnical Report (NOVA 2021), the project would not expose people

or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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.**

The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Newport-Inglewood-Rose Canyon Fault Zone, located offshore to the west of the site. The nearest active fault is the Silver Strand section of the Rose Canyon Fault Zone at a distance of approximately 4 miles from the site (NOVA 2021). The project site is likely to be subjected to strong ground motion from seismic activity, similar to that of the rest of San Diego County and Southern California, due to seismic activity in the region as a whole.

As stated previously, the project site is at risk for moderate-to-severe ground shaking in response to a large-magnitude earthquake during the lifetime of the planned development. The seismicity of the site was evaluated utilizing analytical tools provided by the U.S. Geological Survey (USGS). The evaluation determined that the site may be subjected to a Magnitude 7 seismic event (NOVA 2021).

Additionally, a seismic shear wave survey was performed on the site to assess the one-dimensional average shear wave velocity of the underlying site soils to a minimum depth of 100 feet below ground surface in order to classify the site in accordance with ASCE 7-16 Table 20.3-1. The seismic model indicated that the average shear wave velocity (weighted average) in the upper 100 feet is 1,077.6 feet/second. This average velocity classifies the underlying soils as Site Class D, "Stiff Soil" due to the presence of shallow granite bedrock on-site (NOVA 2021).

As identified in the *Geotechnical Investigation*, design measures are recommended to reduce potential effects resulting from strong seismic ground shaking. Such measures may address construction of on-site foundations and walls, as well as other proposed structural elements.

Additionally, all new development would be required to comply with the CBC, which includes design criteria for seismic loading and other geologic hazards. These measures include design

3.6 Geology and Soils

criteria for geologically induced loading that govern sizing of structural members and provide calculation methods to assist in the design process. Thus, while shaking impacts would be potentially damaging, they would also tend to be reduced in their structural effects due to CBC criteria that recognize this potential. The CBC includes provisions for buildings to structurally survive an earthquake without collapsing and measures such as anchoring to the foundation and structural frame design.

Project conformance with CBC and local requirements, in combination with the design measures identified in the *Geotechnical Investigation*, relative to grading and construction would ensure that the project does not result in exposure of people or structures to potentially substantial adverse effects involving strong seismic ground shaking. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE

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 *Geotechnical Investigation*, the potential for liquefaction on-site is considered to be low due to the presence of cemented, dense silty fine to medium sand, and geographically older Unit 2 paralic deposits underlying the project site (NOVA 2021). Additionally, the depth to groundwater at the site is estimated to be approximately 48 feet below the finished floor of the lowest level of the proposed parking garage (or 58 feet). Therefore, based on the depth to groundwater, significant hazards related to liquefaction are not anticipated.

Project design and construction would incorporate standard design measures to address potential seismic-related liquefaction and related effects such as settlement and lateral spreading, including similar types of measures from the CBC as noted above in Impact 3.6-2. With

incorporation of such measures into project design and construction, potential impacts associated with seismic-related ground failure and liquefaction would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPOSURE TO LANDSLIDES

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. Landslide events are often the result of a preexisting condition such as a plane of weak soil or rock inherent within the rock or soil mass. Movement may be precipitated by earthquakes, wet weather, and changes to the structure or loading conditions on a slope (i.e., by erosion, cutting, filling, release of water from broken pipes, etc.).

Geologic reconnaissance and review of aerial photography indicated no evidence of active or dormant landsliding on the project site. Mapping resources reviewed as part of the *Geotechnical Investigation* (NOVA 2021) indicate that the site is in an area considered to be generally susceptible to landsliding. However, based on consideration for the shallow existing ground slopes and proposed grades on the project site, the potential for landslide hazard was determined to be 'negligible' for the site and the surrounding areas. The proposed development would not affect the landslide hazard characterization (NOVA 2021).

Therefore, the project would not expose people or structures to potential risk of loss, injury, or death involving landslides. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOIL EROSION OR LOSS OF TOPSOIL

Impact 3.6-5 **The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.**

Construction

Soil erosion may result during construction of the project, as grading and construction can loosen surface soils and make soils susceptible to the effects of wind and water movement across the

3.6 Geology and Soils

surface. A stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges, would be implemented during construction. Further, all project construction activities would occur in conformance with the recommendations of the Stormwater Quality Management Plan (SWQMP), Jurisdictional Runoff Management Plan (JRMP) as well as the City of Encinitas BMP Design Manual for compliance with local City and regional MS4 Permit (California Regional Water Quality Control Board San Diego Region Order No. R9-2015-0100) requirements for stormwater management; refer also to [Section 3.8, Hydrology and Water Quality](#). Additionally, the project would be subject to requirements of the City of Encinitas Grading, Erosion, and Sediment Control Ordinance (City Municipal Code Section 23.24) and to grading plan conditions of approval, such as repairing/reseeding/replanting eroded areas and adding erosion control blankets, to ensure that the potential for erosion during project construction is minimized and that water quality is maintained.

Post Construction

As described in the *Preliminary Hydrology Study*, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. As shown in [Table 3.8-1](#) (refer to [Section 3.8, Hydrology and Water Quality](#)), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Thus, the implementation of the project would not result in substantial soil erosion or the loss of topsoil.

With conformance to applicable federal, State, and local regulations, and implementation of appropriate construction and post-construction BMPs, the project would not result in substantial soil erosion or the loss of topsoil. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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.

Lateral spreading is a phenomenon in which large blocks of intact, non-liquefied soil move downslope on a liquefied soil layer. For lateral spreading to occur, a liquefiable soil zone must be laterally continuous and unconstrained, and free to move along sloping ground. Due to the absence of a potential for liquefaction on-site and surrounding topography, there is no potential for lateral spreading to occur (NOVA 2021). As such, there would be no impact regarding lateral spreading.

Liquefaction and dynamic settlement of soils can be caused by strong vibratory motion due to earthquakes. Both research and historical data indicate that loose, saturated, granular soils are susceptible to liquefaction and dynamic settlement. Liquefaction is typified by a loss of shear strength in the affected soil layer, thereby causing the soil to behave as a viscous liquid. This effect may be manifested by excessive settlements and sand boils at the ground surface. Based on the *Geotechnical Investigation*, the cemented, dense and geologically older paralic deposits on the project site have no potential for liquefaction (NOVA 2021).

The subsurface exploration conducted in the *Geotechnical Investigation*, indicated that the near-surface soils would behave as a relatively clean, sandy soil. The design infiltration rate ranges between 1.51 and 1.74 inches per hour which is favorable for permanent stormwater BMPs. However, the City of Encinitas BMP Design Manual limits the use of permanent stormwater BMPs near slopes and coastal bluffs. Due to the adjacency of the site to the coastal bluffs to the west, the site has been designed with a 'no infiltration' condition.

As described in Section 3.8, Hydrology and Water Quality, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. As shown in [Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). Therefore, since the project would not infiltrate into the coastal bluff, the project would comply with the City of Encinitas BMP Design Manual limits. Impacts would be **less than significant**.

3.6 Geology and Soils

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXPANSIVE SOILS

Impact 3.6-7 **The project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be less than significant.**

Expansive soils are clayey soils characterized by their ability to undergo significant volume changes (shrinking or swelling) due to variations in moisture content. Such volume changes can be damaging to structures.

Based on laboratory testing and observations conducted for the site, the predominately sandy soils on-site are not considered to be potentially expansive (NOVA 2021). Accordingly, the project would not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SEPTIC TANKS

Impact 3.6-8 **The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.**

Sewer service for the project would be provided by the Leucadia Wastewater District. Wastewater generated from the proposed development would be conveyed through the district's sewer mains and pump stations would ultimately be pumped to the Encina Wastewater Authority's Water Pollution Control Facility located in the City of Carlsbad.

Accordingly, the project would not require septic tanks or alternative wastewater disposal systems. Therefore, **no impact** would occur.

Mitigation Measures: None required.

Level of Significance: No Impact.

PALEONTOLOGICAL RESOURCES OR UNIQUE GEOLOGIC FEATURES

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. As stated above, the project site is generally underlain by old paralic deposits (broadly equivalent to the Bay Point Formation) (PaleoServices 2020). The Bay Point Formation is known to preserve fossils of marine invertebrates but has also yielded fossils of Ice Age land mammals. Based on this fossil record, the Bay Point Formation is typically assigned a moderate to high paleontological sensitivity (PaleoServices 2020); refer to [Appendix I](#). The Bay Point Formation along the North Coast Highway 101 corridor is estimated to be between approximately 20 to 30 feet thick (NOVA 2021).

The anticipated depth of project grading and excavation is anticipated to be up to approximately 32 feet bgs. Therefore, there is a possibility for the unanticipated discovery of paleontological resources during project-related ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure **GEO-1** would address the inadvertent discovery of previously unknown paleontological resources. Impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures:

GEO-1 Paleontological Data Recovery and Monitoring Plan. A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.

1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department:

3.6 Geology and Soils

- a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.
- b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.
- c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity geologic units (Bay Point Formation and Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (i.e., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City's consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).
- d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.
- e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified

paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.

- f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.
2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.

Level of Significance: Less than significant with mitigation incorporated.

CUMULATIVE IMPACTS

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.
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Geographic Scope

Risks related to geology and soils are typically localized in nature because they tend to be related to on-site conditions or conditions caused by a project's construction. Cumulative projects that would have the potential to be considered in a cumulative context with the proposed project's incremental contribution, and that are included in the analysis of cumulative impacts relative to geology and soils, are identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR.

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

Cumulative projects were chosen based on proximity to the proposed project. The majority of the cumulative projects are similar to the proposed project regarding construction and operational activities. These selection factors are appropriate in the context of geology and soils

3.6 Geology and Soils

cumulative impacts because generally there needs to be a direct nexus and similar geologic conditions for a synergistic impact to occur, such as site modifications at nearby projects combining to destabilize soils. Currently, there is not a known existing significant cumulative impact related to geology and soils within this geographic scope.

Potential Cumulative Impacts

As discussed above, like much of Southern California, the project site is located in a seismically active area. All areas of San Diego County are considered seismically active to a lesser or greater extent depending on their proximity to active regional faults. Impacts of the proposed project would be cumulatively considerable if the project, in combination with related projects, would result in significant cumulative impacts. However, the effects of the cumulative projects are not of a nature to cause cumulatively significant effects from seismic because such impacts are site-specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location. Further, all projects would be evaluated on a site-specific basis for potential susceptibility to seismic events, fault rupture, and other related conditions (i.e., landslides, subsidence, liquefaction, etc.) and would be required to conform with local and State engineering design standards to reduce impacts related to such characteristics, as well as to implement mitigation if appropriate. Due to the nature of such conditions, the project would not contribute to a cumulative impact in this regard.

Topsoil Loss and Erosion

The proposed project would require grading of the subject property to allow for development as proposed. Although construction activities would have the potential to result in erosion or siltation on the project site, adherence to the recommendations in the geotechnical report and other grading and building requirements would mitigate erosion or siltation impacts to less than significant levels.

Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion or siltation impacts. Specifically, all planned projects in the vicinity of the proposed project would be subject to environmental review and would be required to conform to the City's General Plan and CBC. As such, the project's contribution to a cumulative impact in this regard would be less than significant.

Coastal Bluff Instability

The City of Encinitas BMP Design Manual limits the use of permanent stormwater BMPs near slopes and coastal bluffs. Due to the adjacency of the site to the coastal bluffs to the west, the site has been designed with a 'no infiltration' condition. As described in Section 3.8, Hydrology and Water Quality, the proposed project would comply with the City of Encinitas BMP Design

Manual limits and has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. Other cumulative projects would adhere to similar requirements, thereby minimizing cumulative scenario erosion or siltation impacts. As such, the project's contribution to a cumulative impact in this regard would be less than significant.

Paleontological Resources

Other projects may be located in areas considered sensitive for paleontological resources. Such projects would be required to implement mitigation similar to mitigation measure **GEO-1** to reduce potential impacts to paleontological resources to less than significant levels, as appropriate. With adherence to grading and building requirements, the proposed project would not contribute to cumulative impacts for geologic, seismic hazards, or related events because the proposed project and other cumulative projects in the area would be required to demonstrate compliance with local, State, and federal building and safety standards prior to City issuance of grading and/or building permits. As a result, with implementation of mitigation measure **GEO-1**, cumulative impacts related to geology and soils would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **GEO-1**.

Level of Significance: Less than cumulatively considerable.

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Section 3.7

Hazards and Hazardous Materials

This section evaluates potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the project, as applicable.

The analysis in this section is based on the *Phase I Environmental Site Assessment (Phase I ESA) 1950 N. Coast Highway 101*, which included Assessor Parcel Numbers (APNs) 216-041-20 (Parcel 1) and 216-041-21 (Parcel 2) (2017; [Appendix J-1](#)) and *Phase I ESA 900 N. Coast Highway 101* for APN 216-041-06 (Parcel 3) (2019; [Appendix J-2](#)) prepared by Hovey Environmental. Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

Hazardous Materials and Waste Defined

Under Title 22 of the California Code of Regulations (CCR), the term *hazardous substance* refers to both hazardous materials and hazardous wastes, and both are classified according to four properties: toxicity, ignitability, corrosiveness, and reactivity (22 CCR Section 66261.30). A hazardous material is defined as a substance or combination of substances that may cause or significantly contribute to an increase in serious, irreversible, or incapacitating illness or may pose a substantial presence or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

Public health is potentially at risk whenever hazardous materials are or will be used. It is necessary to differentiate between the hazard of these materials and the acceptability of the risk they pose to human health and the environment. A hazard is any situation that has the potential to cause damage to human health and the environment. The risk to health and public safety is determined by the probability of exposure and the inherent toxicity of a material.

Factors that can influence health effects when human beings are exposed to hazardous materials include the dose to which the person is exposed, the frequency of exposure, the duration of exposure, the exposure pathway (route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated or are being stored until they can

3.7 Hazards and Hazardous Materials

be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with California Environmental Quality Act (CEQA) requirements in providing information about the location of hazardous materials sites. While hazardous substances are regulated by multiple agencies, as described under the Regulatory Framework subsection below, cleanup requirements for hazardous wastes are determined on a case-by-case basis according to the agency with lead jurisdiction over a project.

Existing Conditions

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

The Pacific Ocean lies approximately 0.14 mile to the west of the site. The property is situated at the top of a bluff and is accessed from the east side of each parcel. The existing Seabluffe 255-unit gated townhome residential community is located directly adjacent to the south and west; Moorgate Road runs along the southern boundary of the site. The Alila Marea Beach Resort is located adjacent to the north; further to the north is the Batiquitos Lagoon State Marine Conservation Area. North Coast Highway 101 forms the eastern boundary of the project site. The North County Transit District (NCTD) railroad runs generally north-south in the vicinity of the site and is located approximately 135 feet to the east at its nearest point, across North Coast Highway 101. The intersection of La Costa Avenue and North Coast Highway 101 lies approximately 215 feet to the northeast.

The following describes the parcels that comprise the site in greater detail (NOVA 2020):

Site 1

- **APN 216-041-20:** Parcel 1 is located in the northern portion of the property and is currently occupied by a building formerly utilized as a restaurant. A large surface parking lot is present that provided parking for the restaurant use. On-site elevations range from approximately 58 feet above mean sea level (amsl) at its access point with Highway 101 to approximately 94 feet amsl along the western property line. The eastern edge of the lower portion of the parking lot exhibits an approximately 20-foot high slope descending to Highway 101. This lot includes one existing access driveway from Highway 101.

- **APN 216-041-21:** Parcel 2 is located in the southern portion of the site and is currently vacant and undeveloped. On-site elevations range from approximately 95 feet amsl along the western property line to approximately 58 amsl at its access point with Highway 101.

Site 2

- **APN 216-041-06:** Parcel 3 lies in the southeastern portion of the project site and is currently occupied by a restaurant, two small commercial businesses, and surface parking. This parcel is contiguous with APN 216-041-21 to the west, with a cut slope of approximately 12 feet in height separating the two. Average elevation of the parcel is approximately 57 feet amsl.

Environmental Site Assessment

A Phase I ESA is a report that identifies existing and potential environmental contamination liabilities. The analysis in a Phase I ESA typically addresses both the underlying land and physical improvements to the property and includes examination of potential soil contamination, groundwater quality, surface water quality, and indoor air quality. The examination of a site may include a survey of past uses of the property, definition of any chemical residues in structures, identification of possible asbestos-containing building materials and lead paints, inventory of hazardous substances stored or used on the site, assessment of mold and mildew, and evaluation of other indoor air quality parameters. A Phase I ESA is generally considered the first step in the process of environmental due diligence and does not include sampling of soil, air, groundwater, or building materials.

The objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in American Society for Testing and Materials (ASTM) International E1527-13 as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” According to the ASTM Phase I ESA standard, the term *recognized environmental condition* is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for

3.7 Hazards and Hazardous Materials

hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

As noted above, a Phase I ESA were prepared for each site of the project (Site 1 and Site 2) based on the respective parcel number. Both Phase I ESAs were prepared by Hovey Environmental. The two Phase I ESAs conducted for the project site consisted of (1) a site reconnaissance of the subject property; (2) a search of regulatory agency records; (3) review of available historical aerial photographs, topographic maps, Sanborn fire insurance maps, and City Directory listings; (4) interviews of property owners; and (5) preparation of the Phase I ESA report detailing the findings of the investigation.

Hovey Environmental conducted a site reconnaissance visit at Site 1 on November 3, 2017 ([Appendix J-1](#)) and a site reconnaissance visit at Site 2 on August 20, 2019 ([Appendix J-2](#)). The key findings of the two Phase I ESAs are summarized below.

Hazardous Substances

Site 1

According to the Phase I ESA conducted for Site 1, no visual indications of environmental degradation or a recognized environmental condition were observed on-site during the site visit ([Appendix J-1](#)). There was no unusually stained soil or damaged vegetation that would indicate a hazardous substances release or spill noted at any of the three parcels. Additionally, no pungent or acrid odors were observed emanating from the site.

Site 1 is not listed with any regulatory agencies in relation to the use, handling, storage, or disposal of potentially hazardous materials. Additionally, a previous Phase I ESA and Phase II were conducted on Site 1 that included soils testing. Findings of these assessments found no indications of a recognized environmental condition on site at that time ([Appendix J-1](#)).

There are seven sites listed with releases of hazardous materials to the soil, groundwater, or air within a one-mile radius of the subject property. Review of contaminant monitoring reports along with local topography and hydrology indicates a low probability of contamination migration to the subject property ([Appendix J-1](#)).

Site 2

According to the Phase I ESA conducted for Site 2, no visual indications of environmental degradation or a recognized environmental condition were observed on-site during the site visit ([Appendix J-2](#)). There was no unusually stained soil or damaged vegetation that would indicate a hazardous substances release or spill noted at any of the three parcels. Additionally, no pungent or acrid odors were observed emanating from the site.

However, Site 2 is listed with the San Diego County Hazardous Materials Management Division (HMMD) and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

There are eight sites listed with releases of hazardous materials to the soil, groundwater, or air within a one-mile radius of the subject property. Review of contaminant monitoring reports along with local topography and hydrology indicates a low probability of contamination migration to the subject property ([Appendix J-2](#)).

Indications of Solid Debris Storage

Site 1 supports a vacant restaurant at the north side of the property. The east side of the property is unimproved. Site 2 currently supports four structures on-site. There is a non-hazardous waste collection at the north side of the property. A concrete slab from a previous structure is located at the southwest corner of the property.

Trash, debris, and recycling containers were observed on-site. Large piles of waste were not observed. Waste disposal services for the site are provided by EDCO.

Groundwater Wells, Cisterns, Cesspools, or Septic Tanks

No groundwater wells, cisterns or points of groundwater collection were not reported in the records search or observed on the project site during the Phase 1 ESA site visits for Sites 1 or 2 (see [Appendices J-1](#) and [J-2](#)).

Storage Tanks

Underground or aboveground storage tanks were not reported in the records search or observed on the project site during the Phase 1 ESA site visits for Sites 1 or 2 (see [Appendices J-1](#) and [J-2](#)).

Asbestos and Lead-Based Paint

Site 1 supports a vacant restaurant at the north side of the property. The east side of the property is unimproved. Site 2 currently supports four structures on-site. The Phase I ESAs did not include evaluations or testing for asbestos or lead based paint.

3.7 Hazards and Hazardous Materials

Due to the age of the existing structures on-site, it is possible that the structures contain asbestos and lead-based paint related construction products as these products were prevalent prior to the 1970s. Prior to demolition of the existing on-site buildings, an asbestos and lead material survey will be required to evaluate potential hazards resulting with proposed demolition and disposal activities.

Hazardous Waste Site Database Results

Site 1

According to the regulatory database search ([Appendix J-1](#)), seven facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e. based on hydro-geologically down or cross-gradient). Refer to [Appendix J-1](#).

Site 2

As mentioned above, Site 2 is listed on the HMMD and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

According to the regulatory database search ([Appendix J-2](#)), eight facilities in the project vicinity were identified pursuant to Government Code Section 65962.5 (Cortese List). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern due to the status of the cases, distance from the project site, and/or location relative to the project site (i.e. based on hydro-geologically down or cross-gradient). Refer to [Appendix J-2](#).

Leaking Underground Storage Tanks (LUST)

Leaking underground storage tanks (LUST) are a significant source of petroleum impacts to groundwater and can also result in the following potential threats to health and safety (State Water Resources Control Board 2019):

- Exposure from impacts to soil and/or groundwater

- Contamination of drinking water aquifers
- Contamination of public or private drinking water wells
- Inhalation of vapors

The State Water Resources Control Board (SWRCB) records soil and/or groundwater contamination caused by LUSTs in its GeoTracker database.

According to the Phase I ESAs for Sites 1 and 2, there are five facilities on the LUST list within 0.5 miles of the project site. Due to the status listings and the elevation in reference to the project site, analysis in the Phase I ESA determined that the listed facilities do not represent an environmental concern to the project site; refer to [Appendix J-1](#) and [J-2](#) for additional discussion.

Other Databases

As mentioned above, Site 2 is listed with the HMMD and HAZNET databases. However, there are no records of a release to the environment contained within the records. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases are not considered an environmental concern for development of the project site ([Appendix J-2](#)).

Airports

There are no public or private airports located within 2 miles of the project site, and the project site is not within the boundaries of an airport land use plan. The closest (public) airport is McClellan-Palomar Airport, approximately 3.5 miles northeast of the project site; no private airstrips are in the immediate vicinity.

Wildfire

The project site is located in a developed urbanized area surrounded by residential, commercial, and open space. According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map (Cal Fire 2009), the project site is not located in a zone designated as Very High Fire Hazard Severity.

REGULATORY FRAMEWORK

Federal

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act requires infrastructure at the state or local level to plan for emergencies resulting from potential release of chemical materials. Any documented information pertaining to a specific release at a site is required to be made publicly available so that interested parties may become informed about potentially dangerous chemicals released in their community. Sections 301 through 312 of the act are administered by the US Environmental Protection Agency's Office of Emergency Management.

Hazardous Materials Transportation Act

Under Title 49 of the Code of Federal Regulations, the US Department of Transportation is responsible for regulating the transport of hazardous materials. The California Highway Patrol and the California Department of Transportation are primarily responsible for enforcing federal and state regulations pertaining to such activities and for responding to any related emergencies. These agencies are also responsible for necessary permitting for the transport of hazardous materials.

Toxic Substances Control Act

The Toxic Substances Control Act phased out the use of asbestos and asbestos-containing materials in new building materials. The act identifies requirements for the use, handling, and disposal of asbestos-containing materials. Additionally, Section 402(a)(1) of the act establishes disposal standards for lead-based paint.

Resource Conservation and Recovery Act (as Amended by the Hazardous and Solid Waste Amendments of 1984)

The RCRA generally communicates federal laws pertaining to hazardous waste management and provides for a "cradle to grave" approach to the regulation of hazardous wastes. The RCRA requires any entity generating hazardous waste to identify and track such substances from generation to recycling, reuse, or disposal. The DTSC implements the RCRA program in combination with other state hazardous waste laws, collectively known as the Hazardous Waste Control Law.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA "umbrella" to create a cabinet-level voice for the protection of human health and the environment and to ensure the coordinated deployment of state resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality (CalEPA 2017). CalEPA and the SWRCB establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

Also, as required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List (discussed in detail below).

Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

The Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65, was enacted 1986 with the intended purpose to protect California citizens and the State's drinking water sources from chemicals known to cause cancer, birth defects or other reproductive harm, and to inform citizens about exposures to such chemicals. Under the statute, a person in the course of doing business cannot expose an individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to an individual. Proposition 65 requires the state to maintain and update a list of chemicals known to the state to cause cancer or reproductive toxicity. OEHHA is the lead agency designated by the Governor to implement Proposition 65.

3.7 Hazards and Hazardous Materials

California Fire Code

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Part 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state-occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

The California Hazardous Waste and Substances Site List (also known as the Cortese List) is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste (DTSC 2020).

Strategic Fire Plan for California

The 2019 Strategic Fire Plan was prepared by the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (CalFire) for the purpose of statewide fire protection. The plan is aimed at improving the availability and application of data on fire hazards and risk assessment; land use planning relative to fire prevention and safety; facilitating cooperation and planning between communities and the multiple fire protection jurisdictions, including county- and community-based wildfire protection plans; establishing fire resistance in assets at risk; shared visioning among multiple fire protection jurisdictions and agencies; assessment of levels of fire suppression and related services; and appropriate recovery efforts following the event of a fire.

Federal/State Occupational Safety and Health Act

Federal and state Occupational Safety and Health Act laws provide for the education of handlers of hazardous materials; employee notification for those working with or in proximity to hazardous materials; acquisition of product safety data sheets and manufacturing data for proper use and handling of hazardous materials; and remediation training for employees for accidental release of hazardous materials. The act requires preparation of an Injury and Illness Prevention Program, which outlines measures to ensure employee safety such as inspections, how to address unsafe conditions, employee training, and communication protocols.

Regional

San Diego County, Site Assessment and Mitigation Program

The San Diego County Department of Environmental Health (DEH) maintains the Site Assessment and Mitigation (SAM) list of contaminated sites that have previously or are currently undergoing environmental investigations and/or remedial actions. The primary purpose of the County's SAM program is to protect human health, water resources, and the environment in the county by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations. The Voluntary Assistance Program also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

Certified Unified Program Agency

The County of San Diego is the Certified Unified Program Agency (CUPA) for the project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the

3.7 Hazards and Hazardous Materials

regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEH, Hazardous Materials Division, has been the CUPA for San Diego County since 1996. All inspectors in the CUPA program are trained environmental health specialists who take part in a continuous education program to ensure consistency and uniformity during inspections.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The purpose of the County's Multi-Jurisdictional Hazard Mitigation Plan is to identify the county's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The City of Encinitas participates in the Multi-Jurisdictional Hazard Mitigation Plan. An important component of the plan is the Community Emergency Response Team, which educates community members about disaster preparedness and trains them in basic response skills, such as fire safety, light search and rescue, and disaster medical operations. The City is one of 20 jurisdictions that support and participate in the team.

San Diego County Department of Environmental Health

The DEH is responsible for protecting and maintaining public health and environmental quality. The department provides public education and outreach programs to promote environmental awareness of potentially hazardous issues while ensuring the implementation and enforcement of local, state, and federal environmental laws, as appropriate. The DEH is generally responsible for ongoing oversight and regulation of food safety, public housing, public swimming pools, small-scale public drinking water systems, mobile home parks, on-site wastewater systems, recreational water, storage tanks and related remediation activities, and proper handling and disposal of medical and hazardous materials and waste.

Local

City of Encinitas General Plan

The *City of Encinitas General Plan* (1991) is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals and policies for the project include:

Resource Management Element

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

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

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

Policy 13.3: Encourage the use of buffer zones to separate major thoroughfares from adjacent areas and protect them from pollutants of noise, exhaust, and light. (Coastal Act/30250/30251).

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

Public Safety Element

GOAL 1: **Public health and safety will be considered in future land use planning. (Coastal Act/30253).**

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

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

- a) Only permitting public access stairways and no private stairways, and otherwise discouraging climbing upon and defacement of the bluff face;
- b) Improving local drainage systems to divert surface water away from the bluff;
- c) Studying the underground water system and looking for potential solution to bluff instability/erosion caused by such water;

3.7 Hazards and Hazardous Materials

- d) Reducing the infusion of ground water from domestic sources through, among other actions, requiring the removal of existing irrigation systems within forty feet of the bluff edge and prohibiting the installation of such systems in new development;
- e) Permitting pursuant to the Coastal Bluff Overlay Zone, bluff repair and erosion control measures on the face and at the top of the bluff that are necessary to repair human-caused damage to the bluff, and to retard erosion which may be caused or accelerated by land-based forces such as surface drainage or ground water seepage, providing that no alteration of the natural character of the bluff shall result from such measures, where such measures are designed to minimize encroachment onto beach areas through an alignment at and parallel to the toe of the coastal bluff, where such measures receive coloring and other exterior treatments and provided that such measures shall be permitted only when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply; and
- f) Requiring new structures and improvements to existing structures to be set back 25 feet from the inland bluff-top edge, and 40 feet from coastal bluff-top edge with exceptions to allow a minimum coastal bluff-top setback of no less than 25 feet. For all development proposed on coastal bluff-tops, a site-specific geotechnical report shall be required. The report shall indicate that such a reduced setback will not result in risk of foundation damage resulting from bluff erosion or retreat to the structure within its economic life and with other engineering evidence to justify the coastal bluff-top setback.

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

This does not apply to minor structures that do not require a building permit, except that no structures, including walkways, patios, patio covers, cabanas, windscreens, sundecks, lighting standards, walls, temporary accessory buildings not exceeding 200 square feet in area,

and similar structures shall be allowed within five feet from the bluff-top edge; and

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

Standards for the justification of preemptive erosion control devices and limits on location of shoreline devices shall be as detailed in the Zoning Code.

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

Policy 1.15: The City shall establish and implement standards, based on the 50- or 100-year storm, for flood control and drainage improvements, and the maintenance of such improvements, designed to assure adequate public safety. Such standards and improvements shall be consistent with the policies of this Plan to respect community character and maintain natural or natural-appearing drainage courses whenever feasible.

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

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

Housing Element

Policy 3.1: Where determined to be dangerous to the public health and safety, substandard units in the City shall be repaired so that they will comply with the applicable building, safety and housing codes. When compliance through repair is not of cannot be achieved, abatement of substandard units shall be achieved.

Encinitas North 101 Corridor Specific Plan (N101SP)

The project is located within the *Encinitas North 101 Corridor Specific Plan (N101SP)*. There are no specific policies related to hazards or hazardous materials exclusive to the Specific Plan area. Chapter 9, *General Plan and Local Coastal Program Compliance*, of the N101SP identifies goals and policies of the General Plan that are relevant to the Specific Plan area and addresses the Specific Plan's consistency with the General Plan. Consistency with the General Plan policies regarding public safety, resource management and housing would ensure compliance with the N101SP.

City of Encinitas Municipal Code

Toxic Materials, Fire, and Explosion Hazards

Section 30.40.010 of the City of Encinitas Municipal Code states: "All storage, use, transportation and disposal of toxic, flammable, or explosive materials shall be performed in compliance with the California Hazardous Substance Act and in accordance with guidelines issued by the County of San Diego Department of Health Services, Hazardous Materials Division on Hazardous Waste Requirements. All activities involving toxic, flammable, or explosive materials shall be provided and conducted with adequate safety and fire suppression devices as specified by the Fire District and per the City's adopted fire code."

Fire Code

Title 10 of the Municipal Code provides regulations regarding fire prevention in the city and adopts the California Fire Code. The Fire Hazard Severity Zone map is adopted through City Code Chapter 10.02 – Fire Map and is used by several City departments for hazard planning, mitigation and response, land use planning, and in the development review process.

Landscape/Brush Management Regulations

The California Fire Code Title 19, Division 1, Section 3.07(b) requires that a distance of not less than 30 feet be kept clear of all flammable vegetation or combustible growth around all buildings and structures. If conditions are considered a high fire danger, a distance of 30 feet to 100 feet should be kept clear of all bush, flammable vegetation, or combustible growth around all buildings and structures.

The City of Encinitas Design Guidelines (2005) contain landscape guidelines intended to maintain the landscape character of the City. Guideline 7.3.17 indicates that fire retardant/resistant plants shall be used when consistent with fire standards in areas adjacent to natural open space areas and/or fire sensitive areas.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to hazards and hazardous materials if it would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
5. Result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

PROJECT IMPACTS AND MITIGATION

Impacts related to hazards and hazardous materials are analyzed below according to topic. Mitigation measures directly correspond with an identified impact, where applicable.

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.**

Construction

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release.

Construction of the proposed project may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (diesel fuel, motor oil, etc.). The Storm Water Pollution Prevention Plan (SWPPP) prepared for the proposed project will include standard provisions to avoid significant effects associated with the use of such materials. With the implementation of a SWPPP, impacts would be **less than significant**.

Operations

The routine transport, use, and disposal of hazardous materials can result in potential hazards to the public through accidental release. However, these hazards are typically associated with certain types of land uses, such as chemical manufacturing facilities, industrial processes, waste disposal, and storage and distribution facilities. None of these uses are proposed by the project, rather, the project would consist of a mixed-use development consisting of 94 for-lease apartments, a ~~3034~~ 3034-room boutique resort hotel, and 18,261 square feet of mixed-use commercial. Once the proposed project is operational, hazardous material use associated with the residences and commercial uses, including landscaping and maintenance activities, would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. The proposed hotel would also have a pool on-site that would require the application of common pool chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of commercially available potentially hazardous materials or chemicals.

Proposition 65 requires businesses to provide warnings to Californians about significant exposures to chemicals that cause cancer, birth defects or other reproductive harm. These chemicals can be in the products that Californians purchase, in their homes or workplaces, or that are released into the environment. As such, Proposition 65 warning stickers would be placed in areas where on-site hazardous materials are stored. Chemicals stored on-site for routine pool maintenance would be below the 55-gallon threshold set by California Governor's Office of

Emergency Services (CalOES) so the project is not required to prepare a Hazardous Materials Business Plan (CalOES 2014).

The proposed project would be subject to applicable federal, state, and local health and safety laws and regulations intended to minimize health risk to the public associated with hazardous materials. With the adherence to such laws and regulations, the proposed project would not result in the routine transport, use, or disposal of hazardous materials. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

HAZARDS RELATED TO THE ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

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.
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Short-Term Impacts

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. Although care will be taken to transport, use, and dispose of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may arise which could release hazardous materials into the environment. Accidental releases of hazardous materials are those releases that are unforeseen or that result from unforeseen circumstances, while reasonably foreseeable upset conditions are those release or exposure events that can be anticipated and planned for.

Project construction activities would occur in accordance with all applicable local standards adopted by the City of Encinitas, as well as state and federal health and safety requirements intended to minimize hazardous materials risk to the public, such as Cal/OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Protection Program, and the California Health and Safety Code.

Stormwater runoff from the site, under both construction and post-construction development conditions, would be avoided through compliance with National Pollutant Discharge Elimination System (NPDES) regulations administered by the San Diego Regional Water Quality Control Board (RWQCB). The project is required to prepare and implement a Construction General Storm Water

3.7 Hazards and Hazardous Materials

Permit (Order 2012-0006-DWQ) and stormwater pollution prevention plan (SWPPP) (refer to [Section 3.8, Hydrology and Water Quality](#)). The SWPPP is also required as part of the grading permit submittal package. The contractor would be required to implement such regulations relative to the transport, handling, and disposal of any hazardous materials, including the use of standard construction controls and safety procedures that would avoid or minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local and state laws.

Based on the results of the Phase I ESA, the project site does not contain any RECs that require further review and/or testing. However, due to the age of the structures on-site, there is a potential for the structures to contain lead-based paint and/or asbestos-related construction materials. As discussed in identified in Impact 3.2-2 in [Section 3.2](#) of this EIR, demolition activities of structures composed of asbestos containing material (ACM) and/or lead-based paint (LBP) could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous building materials. As such, mitigation measure **HAZ-1** would require an asbestos and lead material survey to be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials and mitigation measure **HAZ-2** would require a licensed abatement contractor to implement the approved abatement work plan prior to demolition of affected structures. Mitigation measure **HAZ-3** would require an abatement close-out report to be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval prior to the issuance of building permits. In addition to compliance with applicable local and state laws and requirements, with the implementation of mitigation measures **HAZ-1** through **HAZ-3** would reduce short term impacts to **less than significant with mitigation incorporated**.

Long-Term Impacts

The project proposes a mixture of residential and commercial uses. Due to their nature, these uses are not generally expected to involve the routine transport, use, or disposal of hazardous materials in substantial quantities.

As mentioned under Impact 3.7-1, hazardous material use associated with the residences and commercial uses, including landscaping and maintenance activities, would be stored on-site for operational uses. The hazardous materials would be limited to private use of commercially available cleaning products, landscaping chemicals and fertilizers, and use of various other commercially available substances. The project site would also have a pool on-site that would require the application of common pool cleaning and maintenance chemicals that may be hazardous. Development of the project site is therefore anticipated to result in use of

commercially available potentially hazardous materials or chemicals. The proposed project would be subject to applicable federal, state, and local health and safety laws and regulations, such as Proposition 65, intended to minimize health risk to the public associated with hazardous materials.

Project conformance with existing local, state, and federal regulations pertaining to the routine transport, use, storage, or disposal of hazardous materials or hazardous wastes would ensure that potential adverse effects are minimized and that such substances are handled appropriately in the event of accidental release. Therefore, operational impacts would be **less than significant**.

Mitigation Measures:

- HAZ-1** Prior to demolition permit issuance, an asbestos and lead material survey shall be conducted by a qualified consultant to determine if the existing structures on-site contain lead-based paint and/or asbestos-related construction materials. If substances containing lead and/or asbestos are found on-site, an abatement work plan shall be prepared by the consultant for the proper removal and disposal of the materials in accordance with federal, state, and local laws and regulations. The asbestos and lead survey results and any necessary work plan shall be reviewed and approved by the City of Encinitas Development Services Department (Planning Division).
- HAZ-2** If on-site abatement of asbestos and/or lead materials is required, a licensed abatement contractor shall implement the approved abatement work plan prior to demolition of affected structures.
- HAZ-3** Prior to building permit issuance, an abatement close-out report shall be prepared by the abatement contractor and submitted by the project applicant to the Development Services Department for review and approval.

Level of Significance: Less than significant with mitigation incorporated.

EMIT HAZARDOUS EMISSIONS NEAR AN EXISTING OR PROPOSED SCHOOL

Impact 3.7-3 The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur.

The nearest school to the project site is the Capri Elementary School located approximately 1 mile to the southeast at 941 Capri Road. Due to the nature of the uses proposed, it is not anticipated that project construction or operations would result in hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste that would

3.7 Hazards and Hazardous Materials

potentially impact any area schools as the project site is not within ¼ mile of a school. As such, there would be **no impact**.

Mitigation Measures: None required.

Level of Significance: No Impact.

BE LOCATED ON A HAZARDOUS MATERIALS SITE

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.**

Site 1

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) found seven facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5 (see [Appendix J-1](#)). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distances from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient). Site 1 is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Site 2

A search of government hazardous materials databases (GeoTracker, EnviroStor) found eight facilities in the project vicinity that were identified pursuant to Government Code Section 65962.5 (see [Appendix J-2](#)). However, analysis in the Phase I ESA determined that these sites do not represent an environmental concern to the project site or surrounding properties due to the status of the cases, distances from the project site, and/or location relative to the project site (i.e., based on being hydrogeologically down- or cross-gradient).

As mentioned above, Site 2 is listed with the HMMD and HAZNET databases. The listings include four business entities that were equipment rental businesses at which used oil was collected and sent off site for disposal. There are no records of a release to the environment contained within the records. According to the records search in the Phase I ESA, inspections were conducted at Site 1 on 8/25/03, 9/6/05, 1/10/08, and 6/23/09. While violation notices were indicated in the records, all violations related to paperwork and were not indicative of conditions that would cause a release or spill to the environment. As such, the listing on the HMMD and HAZNET databases.

Although Site 2 is listed on HMMD and HAZNET, the listings are not considered an environmental concern for development of the project site (Appendix J-2). Therefore, project would not create a significant hazard to the public or the environment in this regard. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SAFETY HAZARD RELATED TO A PUBLIC AIRPORT OR PRIVATE AIRSTRIP

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 3.5 miles northeast of the project site; no private airstrips are in the immediate vicinity. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN

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 nearest Fire Department is Encinitas Fire Station #3 located approximately 1.5 southeast at 801 Orpheus Ave. The City Fire Department is also involved with hazardous materials response. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

Vehicular access to the site would be provided via a ~~right turn in from the southbound lane of North Coast Highway 101~~ and via a left turn in from the northbound lane of proposed roundabout to be constructed within the North Coast Highway 101 right-of-way, adjacent to the proposed project access drive. Improvements to North Coast Highway 101 are also proposed to allow for

3.7 Hazards and Hazardous Materials

adequate ingress/egress. Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

Additionally, the design of project access and internal circulation routes, as well as the size and location of fire suppression facilities (e.g., hydrants and sprinklers), would be subject to City standards and made conditions of approval of project plans. The City Fire Department would also review the proposed development plans prior to project approval to ensure that adequate emergency access and on-site circulation are provided (Appendix N).

Therefore, implementation of the proposed project would not impair or physically interfere with an emergency response plan or evacuation plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WILDLAND FIRE

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. No impact would occur.
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The project site is primarily surrounded by residential and commercial development and not located in a zone designated as Very High Fire Hazard Severity (Cal Fire 2009).

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

The project would be designed in compliance with additional guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division. Therefore, the proposed project would not expose people or structures to a significant risk of

loss, injury, or death from wildfires. **No impact** would occur. Refer also to Subsection 4.5, Wildfire, of [Section 4.0, Effects Found Not to be Significant](#), for more discussion on wildfire issues.

Mitigation Measures: None required.

Level of Significance: No impact.

CUMULATIVE IMPACTS

Impact 3.7-8	The project would not result in a significant cumulative impact related to hazards and hazardous materials. Impacts would be less than cumulatively considerable.
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Geographic Scope

Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized in nature because they tend to be related to on-site existing hazardous conditions and/or hazards caused by the project’s construction or operation. The geographic scope when considering cumulative impacts from hazards and hazardous materials includes specific projects identified in [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR. Additionally, to be conservative, the cumulative analysis is based on the “worst-case” assumption that all 2019 HEU sites develop under maximum density bonus unit allowances. The cumulative impact analysis includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see [Table 3.0-2](#)). The cumulative setting for hazards associated with the proposed project generally consists of existing and future uses in Encinitas in proximity to the proposed project.

Potential Cumulative Impacts

Impacts associated with hazardous materials are generally site-specific. As mentioned above, the proposed project must comply with all applicable local and state laws and requirements regarding the transport, handling, and disposal of hazardous materials and substances. Additionally, the proposed project would implement mitigation measures **HAZ-1** through **HAZ-3** to ensure that the project would not create a significant hazard to the public or the environment. Construction activities occurring within the project site would not restrict access for emergency vehicles that respond to incidents on the site or in surrounding areas.

The City Fire Department would review the proposed development plans prior to project approval to ensure adequate emergency access and circulation, as well as conformance with other fire protection requirements (e.g., sprinkler systems, fire hydrant locations). As mentioned under Impact 3.7-7, the project site is not located in a zone designated as Very High Fire Hazard Severity. While areas in the City are designated as Very High Fire Hazard Severity, cumulative

3.7 Hazards and Hazardous Materials

projects would be required to implement mitigation measures to reduce the risk of wildfires, such as buffering on-site uses and establishment of fuel modification zones. Additionally, the proposed project would not expose people or structures to a significant risk of loss, injury, or death from wildfires as the project would be designed in compliance with additional guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Planning Division (as applicable).

As with the proposed project, the cumulative projects listed in Table 3.0-1 would also be required to avoid and/or mitigate impacts relative to hazards and hazardous materials. The proposed project would involve the storage, use, disposal, and transport of limited amounts of hazardous materials to varying degrees during construction and operation/occupancy. Impacts from these activities are anticipated to be less than significant, and similar development projects would also be required to comply with applicable federal, state, and local regulations and policies.

Implementation of mitigation measures **HAZ-1** through **HAZ-3** prior to project construction would minimize the potential for the accidental release or upset of hazardous building materials. Additionally, other cumulative projects would be required to coordinate with the City of Encinitas and the City Fire Department to ensure that they do not impede the implementation of an emergency plan or prevent emergency access in the affected area.

Therefore, in combination with other reasonably foreseeable development projects in the region, the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **HAZ-1** through **HAZ-3**.

Level of Significance: Less than cumulatively considerable.

Section 3.8

Hydrology and Water Quality

This section of the EIR describes the existing hydrology and water quality in the vicinity of the project area and analyzes the potential physical environmental effects related to hydrology, drainage, erosion and sediment transport, and water quality that may occur due to implementation of the proposed project. Information in this section is based on hydrology and water quality information obtained from the *Stormwater Quality Management Plan (SWQMP)* (2021b; [Appendix G](#)) and *Preliminary Hydrology Study* (2021a; [Appendix H](#)), both prepared by Pasco Laret Suiter & Associates (PLSA). Third party technical reports were peer-reviewed by Michael Baker International and the City of Encinitas.

Impacts of the proposed project on existing and future water supply sources, wastewater treatment, and storm water facilities are described and analyzed in [Section 3.14, Utilities and Service Systems](#). Impacts associated with potential topsoil loss and erosion are also presented in [Section 3.6, Geology and Soils](#).

ENVIRONMENTAL SETTING

Regional Watershed Hydrology

The City of Encinitas is located entirely within the Carlsbad Watershed Management Area (WMA), which is approximately 211 square miles and is formed by a group of six distinct Hydrologic Areas (HA)s: Loma Alta, Buena Vista Creek, Agua Hedionda, Encinas, San Marcos Creek, and Escondido Creek; all of which have separate points of discharge individual watersheds in northern San Diego County (Carlsbad Watershed Management Area Responsible Agencies 2018). The Carlsbad watershed is known for its numerous lagoons, including four unique coastal lagoons: Buena Vista Lagoon, Aqua Hedionda Lagoon, Batiquitos Lagoon, and San Elijo Lagoon. The City of Encinitas also located within the Carlsbad Hydrologic Unit, specifically the San Marcos Hydrologic Area Batiquitos Subunit (904.51).

The Batiquitos Lagoon watershed is approximately 52 square miles and is drained by three stream systems that empty into the eastern end of the lagoon. San Marcos Creek is a major tributary and is dammed at Lake San Marcos within 5 miles of the lagoon. An unnamed tributary joins San Marcos Creek less than 1 mile upstream of the lagoon, and this small tributary drains a small area to the northeast. At the mouth of the San Marcos Creek, Batiquitos Lagoon enters the Pacific Ocean between the community of Leucadia, which is part of the City of Encinitas and the City of Carlsbad. Water levels in the lagoon are controlled by tidal waters entering and exiting through the lagoon's outlet. The lagoon is divided by several transportation corridors into Eastern, Central and Western Basins.

3.8 Hydrology and Water Quality

Groundwater

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. All major drainage basins in the San Diego region contain groundwater basins that are typically described as small in area and shallow. There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The proposed project is not located within one of these groundwater basins (County of San Diego 2020e). The nearest basin, San Pasqual Valley, is approximately 12 miles east of the project site. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

Local Surface Water and Drainage

Stormwater discharges flow into various locations within Batiquitos Lagoon. Local surface drains discharge to the lagoon from I-5, La Costa Boulevard, El Camino Real, and residential streets adjacent to the lagoon. Caltrans has constructed a stormwater basin adjacent to the La Costa exit ramp off I-5. This stormwater basin has been designed to treat stormwater from I-5 prior to discharge to the Central and East Basins of the lagoon. Another significant stormwater outfall is located on the northern portion of the Eastern Basin that discharges stormwater from the Aviara community and golf course detention basin. Stormwater discharges also occur in the northeastern corner of the Eastern Basin from the developments bordering Alga Boulevard (City of Encinitas 2016).

Existing storm water runoff from the project site generally flows overland and in onsite storm drain easterly to North Coast Highway 101. There is off-site run-on to the project site from the hillside along the westerly and southerly boundary. Overland flow and an onsite storm drain connects to the 24-inch storm drain located in North Coast Highway 101 and conveys all flow northerly to an outfall on the eastside of Highway 101 that discharges to the Central Basin of Batiquitos Lagoon and ultimately the Pacific Ocean at South Carlsbad State Beach.

Batiquitos Lagoon eastward from I-5, or the Western Basin, has been designated as a State Marine Conservation Area (SMCA) by the California Legislature and as an Ecological Reserve by the California Department of Fish and Wildlife.

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses associated with Batiquitos Lagoon: Contact Water Recreation (REC-1); Non-contact Water Recreation (REC-2); Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST); Wildlife Habitat (WILD), Rare, Threatened and Endangered

Species (RARE), Marine Habitat (MAR), Migration of Aquatic Organisms (MIGR); and Spawning, Reproduction and/or Early Development (SPWN) (SDRWQCB 2016a). The take of all living marine resources is prohibited within the protected SMCA portion of Batiquitos Lagoon. Boating, swimming, wading, and diving are also prohibited within the conservation area.

The mouth of Batiquitos Lagoon enters the Pacific Ocean at South Ponto located at the south end of South Carlsbad State Beach. The beneficial uses of the ocean waters along this stretch of beach include industrial water supply; REC-1 and REC-2, BIOL, aesthetic enjoyment; navigation; commercial and sport fishing; mariculture; rare and endangered species; marine habitat; fish migration; fish spawning and shellfish harvesting.

Water Quality

Runoff is a term used to describe any water that drains or runs off of a defined land area into a waterway. Runoff can be the result of rain, in which case it is also sometimes referred to as storm water. Runoff can also result from various other sources or activities such as irrigation, hosing down of areas, wash water from cleaning, leaks in pipes, and air conditioner condensation. General hydrologic characteristics, land uses, and activities that involve pollutants have the greatest influence on the water quality runoff from a given area.

Constituents of concern (COCs) found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, pesticides, and herbicides. These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health.

Batiquitos Lagoon, the main receiving water for the project area is a 303(d) water body impaired for toxicity. Batiquitos Lagoon was first listed as impaired by the San Diego Regional Board in the 2014 and 2016 Integrated Report (303(d) List/305(b) Report) for toxicity (sediment). This was based on 5 of 8 sediment samples that displayed toxicity (data from 2003, 2004, 2005 and 2008) (SDRWQCB 2016b). The source for the toxicity impairment is listed as unknown; however, the common sources of this pollutant type include contaminants from residential and commercial areas, industrial activities, construction, streets and parking lots.

Flooding

According to Emergency Management Agency (FEMA) map panel 06073C1033H, the project site is located in an area that is designated as being in Zone X, which is an area of minimal flooding located outside of the FEMA-mapped 100-year floodplain (FEMA 2019). Currently, North Coast Highway 101 through the City of Encinitas is prone to localized flooding during frequent storm events due to inadequate storm drain infrastructure. As part of the approved North Coast

3.8 Hydrology and Water Quality

Highway 101 Streetscape Project, storm drain improvements, green-street design, and a diversion structure have been designed to improve flooding along North Coast Highway 101 and provide water quality benefit to the receiving waters, Batiquitos Lagoon and the Pacific Ocean.

Seiche and Tsunami

A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas.

According to the California Emergency Management Agency Tsunami Inundation Map for Emergency Planning- County of San Diego-Encinitas Quadrangle, the site is not located in a tsunami inundation area, and therefore, it is not anticipated that inundation due to tsunami would occur (California Emergency Management Agency 2009).

REGULATORY FRAMEWORK

Federal

National Flood Insurance Program

FEMA oversees floodplains and administers the National Flood Insurance Program (NFIP) adopted under the National Flood Insurance Act of 1968. The program makes federally subsidized flood insurance available to property owners in communities that participate in the program. Areas of special flood hazard (those subject to inundation by a 100-year flood) are identified by FEMA through regulatory flood maps titled Flood Insurance Rate Maps. The NFIP mandates that development cannot occur within the regulatory floodplain (typically the 100-year floodplain) if that development results in an increase of more than 1-foot elevation. In addition, development is not allowed in delineated floodways within the regulatory floodplain.

Clean Water Act

The Clean Water Act (CWA) gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCB) are the agencies with the primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses

of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies. The project site is in an area of the state regulated by the San Diego RWQCB.

Section 401, Water Quality Certification

CWA Section 401 requires that, prior to issuance of any federal permit or license, any activity (including river or stream crossing during road, pipeline, or transmission line construction) that may result in discharges into waters of the United States must be certified by the state, as administered by the RWQCB. This certification ensures that the proposed activity does not violate state and/or federal water quality standards.

Section 402, National Pollutant Discharge Elimination System (NPDES)

CWA Section 402 authorizes the SWRCB to issue a NPDES Construction General Storm Water Permit (Order 2012-0006-DWQ), referred to as the Construction General Permit. NPDES regulations in Encinitas are administered by the San Diego RWQCB. Disturbance of 1 or more acre triggers NPDES coverage under the Construction General Permit, which requires:

- Filing of a Notice of Intent (NOI) with the SWRCB;
- Implementation of a stormwater pollution prevention plan (SWPPP) that specifies best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges; and
- Inspections of all BMPs.

The Construction General Permit also contains requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff.

Section 404, Discharge of Dredged or Fill Materials

CWA Section 404 establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. For purposes of Section 404, the limits of non-tidal waters extend to the ordinary high water mark, established by the fluctuation of water and indicated by physical characteristics, such as the natural line impressed on the bank, changes in the character of the soil, and presence of debris flow. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts.

Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to

3.8 Hydrology and Water Quality

CWA Section 401 is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the San Diego RWQCB.

Section 303, Water Quality Standards and Implementation Plans

CWA Section 303(d) requires states to identify “impaired” water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to the US Environmental Protection Agency (EPA) for review and approval. This list is known as the Section 303(d) List of Impaired Water Bodies. As part of this listing process, states are required to prioritize waters and watersheds for future development of total maximum daily load (TMDL) requirements. The SWRCB and RWQCBs have ongoing efforts to monitor and assess water quality, prepare the Section 303(d) list, and develop TMDL requirements.

Water bodies on the list have no further assimilative capacity for the identified pollutant, and the Section 303(d) list identifies priorities for development of pollution control plans for each listed water body and pollutant. The pollution control plans triggered by the CWA Section 303(d) list are called TMDLs. The TMDL is a “pollution budget” designed to restore the health of a polluted body of water and ensure the protection of beneficial uses. The TMDL also contains the target reductions needed to meet water quality standards and allocates those reductions among the pollutant sources in the watershed (point sources, nonpoint sources, and natural sources) (40 CFR 130.2). Currently, no TMDLs have been finalized for Batiquitos Lagoon. A TMDL for toxicity is anticipated in 2025.

Regulations governing the TMDL program (40 CFR 130.2 and 130.70) define the TMDL as the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources. When a jurisdiction discharges stormwater to an impaired water body, they may be asked to participate in or supply information for the TMDL development process for impaired waterbodies that do not yet have an approved TMDL. The participation in the TMDL process will likely mean attending public meetings as a stakeholder and providing information related to the MS4 and associated stormwater discharges, such as outfall locations, drainage areas, types and locations of structural and non-structural BMPs, as well as the expected or measured pollutant load reductions from the BMPs. This information supports calculation of an accurate and reasonable WLA for individual dischargers.

State

Coastal Zone Act Reauthorization Amendments

While stormwater and urban runoff is regulated by the NPDES permitting program, virtually all other nonpoint sources are subject to the Coastal Nonpoint Pollution Control Program (CNPCP) under the Coastal Zone Act Reauthorization Amendments (CZARA). Section 6217 of the federal

CZARA established the CNPCP, which requires the EPA to develop, and the states to implement, BMPs to control nonpoint source pollution in coastal waters. Pursuant to CZARA Section 6217(g), the six major categories of nonpoint sources addressed by the amendments are agriculture, forestry, urban areas, marinas, hydromodification projects, and wetlands.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act, in cooperation with the CWA, established the SWRCB. The SWRCB and the nine RWQCBs are responsible for protecting California's surface water and groundwater supplies. Section 13000 of the act directs each RWQCB to develop water quality control plans for all areas in its region, to designate the beneficial uses of California's rivers and groundwater basins; these plans are the basis for each board's regulatory program.

The Basin Plan gives direction on the beneficial uses of state waters in Region 9, describes the water quality that must be maintained to support such uses, and includes programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan defines water quality objectives for groundwater and inland surface waters. The Batiquitos Lagoon is categorized as a coastal water; therefore, the Basin Plan does not contain any water quality objectives that are specific to the lagoon.

Water quality objectives for coastal waters are contained in the State Board's Water Quality Control Plan for Ocean Waters of California (Ocean Plan). These objectives could be applied to Batiquitos Lagoon, but the San Diego RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose waste discharges may affect water quality. These requirements are state waste discharge requirements for discharge to land or federally delegated NPDES permits for discharges to surface water. Responsibility for implementing CWA Sections 401-402 and Section 303(d) is also outlined in the Porter-Cologne Water Quality Control Act.

Water Quality Improvement Plan for the Carlsbad Watershed Management Area

The water quality improvement plan (WQIP) for the Carlsbad Watershed is a comprehensive watershed-based program designed to improve surface water quality in the Carlsbad WMA, in receiving waters including four unique coastal lagoons, three major creeks, and two large water storage reservoirs, and at nearby beaches (City of San Diego 2015a). It is required by Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, NPDES Permit and waste discharge requirements (WDRs) for Discharges from the municipal separate storm sewer systems (MS4s) draining the Watersheds within the San Diego region. The WQIP outlines a framework to improve the surface water quality in the Carlsbad WMA by identifying, prioritizing, and addressing impairments related to urban runoff discharges

3.8 Hydrology and Water Quality

to protect, preserve, enhance, and restore water quality for beneficial recreational, wildlife, and other uses. An updated 2021 WQIP was submitted to the Regional Board in January 2021 and the Responsible Agencies, including the City of Encinitas, are awaiting acceptance of the document.

State Water Resources Control Board, Stormwater Construction General Permit

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

In 1999, the state adopted the NPDES General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) (SWRCB Order No. 2012-0006-DWQ, NPDES No. CAS000002). The Construction General Permit requires that construction sites with 1 acre or greater of soil disturbance, or less than 1 acre but part of a greater common plan of development, apply for coverage for discharges under the Construction General Permit by submitting an NOI for coverage, developing an SWPPP, and implementing BMPs to address construction site pollutants.

The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list the BMPs that the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP. Enrollment under the Construction General Permit is through the Stormwater Multiple Application and Report Tracking System. Additionally, the SWRCB is responsible for implementing the CWA and issues NPDES permits to cities and counties through the individual regional boards.

Local

San Diego Regional MS4 Permit

The Regional Water Quality Control Board, San Diego Region (San Diego RWQCB) regulates discharges from Phase I municipal separate storm sewer systems (MS4s) in the San Diego Region under the Regional MS4 Permit. MS4 permits require cities and counties to develop and implement programs and measures to reduce the discharge of pollutants in stormwater to the

maximum extent possible. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate.

As part of permit compliance, permit holders create stormwater management plans for their respective locations. These plans outline the requirements for municipal operations, industrial and commercial businesses, construction sites, and planning and land development. The requirements may include multiple measures to control pollutants in stormwater discharges. During implementation of specific projects under the program, project applicants are required to follow the guidance contained in the stormwater management plans, as defined by the permit holder in that location.

The Regional MS4 Permit covers 39 municipal, county government, and special district entities (referred to jointly as Copermittees) located in San Diego County, southern Orange County, and southwestern Riverside County who own and operate large MS4s which discharge stormwater (wet weather) runoff and non-stormwater (dry weather) runoff to surface waters throughout the San Diego region.

San Diego Municipal Storm Water Permit

This Municipal Storm Water Permit (Order R9-2015-0100) requires that each Watershed Management Area co-permittee covered under the permit prepare a Water Quality Improvement Plan that identifies priority and highest priority water quality conditions and strategies which will be implemented with associated goals to demonstrate progress toward addressing the conditions in the watershed.

In 2016, the County of San Diego (as the Municipal Storm Water Permit permittee representing all cities in the county) approved a BMP Design Manual in accordance with the Municipal Storm Water Permit. The manual identifies mitigation strategies to protect stormwater quality for new development and significant redevelopment in the San Diego region. The manual outlines a template for municipalities in the region to follow in preparing their respective BMP design manuals, and it establishes a series of source control, site design, and treatment control BMPs to be implemented by all priority development projects.

City of Encinitas Jurisdictional Runoff Management Program

The Jurisdictional Runoff Management Program sets forth strategies, standards, and protocols to address the priorities and goals established in the WQIP. The purpose of this document is to present an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) standard, and to protect and improve the quality of water bodies in Encinitas. It describes operational programs and activities developed to meet the requirements of Municipal Stormwater Permit and serves as the implementation mechanism

3.8 Hydrology and Water Quality

for WQIP strategies. The highest-priority water quality conditions in the area are discharges of bacteria (City of Encinitas 2017).

Stormwater Standards Manual

The Stormwater Standards Manual was developed be used in conjunction with the City Stormwater Management and Discharge Control Ordinance, codified as Encinitas Municipal Code (EMC) Chapter 20.08, and the water quality protection provisions of the City of Encinitas Grading, Erosion and Sediment Control Ordinance, codified as EMC Chapter 23.24. This Manual is not a stand-alone document, but must be read in conjunction with other parts of the Stormwater Ordinance and the Grading, Erosion, and Sediment Control Ordinance. In general, this Manual sets out in more detail, by project category, what dischargers must do to comply with the Ordinances. The Manual and the Ordinances have been prepared to provide the City with the legal authority necessary to comply with the requirements of San Diego Regional Water Quality Control Board (RWQCB) Order No. R9-2013-0001, as amended by Order No. R9-2015-0001.

City of Encinitas Best Management Practice Manual

The City has developed a local BMP Design Manual, incorporated as Chapter 7 of the Engineering Design Manual, which was adapted from the County's BMP Design Manual and adopted in 2016. The City's manual provides guidance on specific design measures to reduce development impacts with regard to treating stormwater runoff and maintaining water quality to ensure compliance with minimal local standards in conformance with the MS4 Permit.

City of Encinitas General Plan and Local Coastal Plan

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

Land Use Element/Local Coastal Program

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.8: Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

Public Safety Element

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

Resource Management Element

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine of human health.

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

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

Encinitas North Coast 101 Corridor Specific Plan (N101SP)

The City's General Plan identifies the North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

2.2.4 Infrastructure and Public Safety

A. Eliminate flooding and improve drainage.

City of Encinitas Municipal Code

Encinitas Municipal Code Chapter 20.08 (Stormwater Management and Discharge Control Ordinance) regulates discharges into the stormwater conveyance system and downstream receiving waters to preserve and enhance water quality for beneficial uses and protect the health, safety, and welfare of the public by:

- Prohibiting non-stormwater discharges to the stormwater conveyance system;
- Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and nonpoint sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives; and
- Protecting watercourses from disturbance and pollution.

Chapter 20.08 establishes the City's legal authority to enforce a wide spectrum of stormwater and water quality related requirements and defines minimum BMP standards for various community sectors including residential, commercial, construction, municipal, and development activities.

Chapter 23.24 (Grading, Erosion and Sediment Control Ordinance) requirements that are applicable to drainage issues are as follows:

- Sections 23.24.150 and 23.24.160. The applicant must submit interim and final erosion and sediment control plans.
- Section 23.24.200. The applicant must submit a proposed schedule for installation of all interim and final erosion and sediment control measures.
- Section 23.24.370. Limits grading between October 1 of any year and April 15 of the following year, unless the plans for such work includes desilting basins or other temporary drainage or control measures.
- Section 23.24.380. Provides guidelines for erosion and sediment control measures during and following construction.

STANDARDS OF SIGNIFICANCE

Methodology

An assessment of hydrology and water quality impacts was prepared by evaluating the existing hydrology and water quality settings and comparing them to hydrology and water quality conditions that would occur with implementation of the proposed project. An evaluation of the significance of potential impacts on hydrology and water quality must consider both direct effects to the resource and indirect effects in a local or regional context. When considering the significance of an individual impact, the EIR considers the existing federal, state, and local regulations, laws, and policies in effect, including applicable General Plan policies. In addition, the impact analysis considers the project design features that have been incorporated into the project to avoid, reduce, or offset potential impacts.

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the proposed project may have a significant adverse impact on hydrology and water quality if it would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - a. Result in substantial erosion or siltation on- or off-site.
 - b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
 - c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
 - d. Impede or redirect flood flows.

3.8 Hydrology and Water Quality

4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

PROJECT IMPACTS AND MITIGATION

VIOLATION OF WATER QUALITY STANDARDS

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 receiving water bodies and their beneficial uses. Stormwater characteristics depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of BMPs), rain events (duration, amount of rainfall, intensity, time between events), soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria.

Short-Term Construction

Potential water quality impacts associated with short-term grading and construction activities include discharge of construction-related sediment and other common stormwater pollutants (e.g., fuels). To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. In accordance with the requirements of Section A of the state Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list the BMPs that would be used to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP would contain a visual monitoring program, a chemical monitoring program for “non-visible” pollutants would also be implemented if there is a failure of BMPs.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation

of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided.

As discussed in Section 2.0, Project Description, an estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City's Sand Compatibility and Opportunistic Use Program (SCOUP). All beach sand replenishment activities associated with the proposed project would be performed in accordance with the City's SCOUP environmental and regulatory requirements, including restrictions on the timing and duration of sand placement and biological monitoring requirements. Short-term impacts during construction would be **less than significant**.

Post-Construction/Long-Term Occupancy and Operations

Potential water quality impacts associated with post construction conditions and operations include an increase in polluted stormwater runoff due to increased development intensity and discharge of sediment and other common stormwater pollutants (e.g., fuels) associated with mixed use development. An increase in runoff discharge rates may result in erosion or increase sedimentation and turbidity in receiving waters and an increase in overall runoff volume could contribute to long term water quality degradation of receiving water, if the runoff is not properly controlled or treated.

The existing project site is partially developed with an estimated 76,819 SF of impervious surfaces. Implementation of the proposed project would introduce approximately 133,865 SF, or an overall net increase of 57,046 SF of imperious surface on the project site over existing conditions thereby classifying it as a priority development project as defined in the Regional MS4 Stormwater Permit (PLSA 2021a).

The City of Encinitas is listed as a Co-Permittee under the Regional Stormwater Permit (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100). This permit regulates post-development discharge into municipal separate storm sewer systems (MS4s) and requires each co-permittee to implement management programs, BMPs, and monitoring programs, within their jurisdiction and their watershed(s).

A project must demonstrate that the project area can handle peak flows from the 85th percentile, 24-hour storm without flooding (or equivalent flow-based criteria). In addition, each project must implement BMPs that are designed to retain (i.e. intercept, store, infiltrate, evaporate, and evapotranspire) onsite the pollutants contained in the volume of storm water runoff produced from a 24-hour, 85th percentile storm event; however, for situations where onsite retention of the 85th percentile storm volume is technically not feasible, biofiltration must be provided to satisfy specific "biofiltration standards."

3.8 Hydrology and Water Quality

To address the increase in stormwater discharge rates to the City’s MS4 described above, the project has been designed with an underground vault to detain discharge flow. In the post construction condition, storm water would flow off surfaces (e.g., buildings, parking lots) to two types of biofiltration basins located throughout the site. Discharge from the biofiltration basins would then flow to an underground storage vault located in the northeastern corner of the project site. The vault would then be controlled to discharge to a proposed 18” reinforced concrete pipe (RCP) which would connect to the back of the existing curb inlet located north of the project along North Coast Highway 101 which outlets to an 18” RCP which transitions to a 24” RCP which conveys flow northerly as in the existing condition to an existing outfall located on the east side of Highway 101 at the Batiquitos Lagoon.

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

As described above, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. As shown in Table 3.8-1, Summary of 100-yr Storm Event Hydrologic Analyses, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs).

Table 3.8-1 Summary of 100-yr Storm Event Hydrologic Analyses

Condition	Area (ac)	Q100 (cfs)
Existing (East of Carlsbad Boulevard)	0.626	1.03
Existing (West of Carlsbad Boulevard)	3.507	13.62
Existing (Total)	4.133	14.65
Proposed (East of Carlsbad Boulevard) Proposed Subareas 1 & 2	4.009	19.62
Proposed Detained (East of Carlsbad Blvd) Proposed Subareas 1 & 2		0.89
Proposed (West of Carlsbad Boulevard) Proposed Subarea 3	0.124	0.28
Proposed (Total) Proposed Subareas 1, 2 & 3	4.133	19.90
Proposed (Total) Detained Proposed Subareas 1, 2 & 3	4.133	1.17

Notes: cfs = cubic feet per second

Source: Preliminary Hydrology Study, Pasco Laret Suiter & Associates, Inc. 2021 ([Appendix H](#))

As described above, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault

are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management. Since the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs), the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

GROUNDWATER SUPPLIES

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.**

Water service for the project would be provided by the San Dieguito Water District (SDWD). According to SDWD, there are adequate water supplies to serve the project.

As discussed in Impact 3.8-1, due to coastal bluff erosion concerns, the proposed project has been designed such that all stormwater runoff would be captured rather than allowed to infiltrate onsite. Therefore, the post construction condition would result in reduced onsite infiltration. According to the geotechnical investigations for the project site, groundwater occurs at depths greater than 56.5 feet below ground surface (bgs) (NOVA 2021).

Based on the elevation of the project site, depth of groundwater and proximity to the ocean, it does not appear that there is a significant hydrologic connection between stormwater infiltration and underlying groundwater at the project site. Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the proposed project would not interfere with groundwater recharge such that the project would impede sustainable groundwater management of a regulated groundwater basin. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EROSION OR SILTATION

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.

Short-Term Construction

As discussed in Impact 3.8-1, project construction activities have the potential to cause erosion during earthmoving and grading activities, which may result in discharge of construction-related sediment off-site. To ensure that construction activities do not cause water quality to be impaired, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared and implemented in accordance with state and City requirements. In accordance with the requirements of Section A of the state Construction General Permit, the SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided. As a result, short-term impacts during construction would be **less than significant**.

Post-Construction/Long-Term Occupancy and Operations

As discussed in Impact 3.8-1, the proposed project has been designed to redirect and capture all stormwater runoff associated with the post construction condition to an underground storage vault. The post construction detained flow rate to the MS4 would only be a fraction of the existing discharge rate; therefore, there would be no new direct water quality impacts associated with erosion or sedimentation due to increased flow from increased impervious surfaces on the project site.

As shown in Table 3.8-1, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed mitigated condition (1.17 cfs) than the existing condition (14.65

cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)).

Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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 proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for Sites 1 and 2 to an underground storage vault with controlled discharge to the MS4 such that the capacity of the existing system would not be exceeded. As such, the implementation of the proposed project on Sites 1 and 2 would not result in an increase in on-site or off-site flooding.

Off-site run-on along the southern boundary would also be captured in a new concrete ditch and discharged to North Coast Highway 101 via sidewalk underdrain. In this area, there would be no change in the off-site stormwater runoff rate or volume with the implementation of the proposed project.

As shown in [Table 3.8-1](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, in a manner which would result in substantial flooding on- or off-site. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

STORMWATER DRAINAGE SYSTEMS AND POLLUTED RUNOFF

Impact 3.8-5 **The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.**

Refer to Impacts 3.8-1, 3.8-3, and 3.8-4 above. The proposed project would not alter the course of a stream or river because such features are not present on-site.

The proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for Sites 1 and 2 to an underground storage vault with controlled discharge to the MS4 such that the capacity of the existing system would not be exceeded.

As shown in Table 3.8-1, the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H).

The proposed development and proposed storm drain design would not only be capable of safely conveying the 100-year storm runoff flow, but has included many instruments in the storm drain system design to ensure that the discharge from the project site is properly treated and that runoff would not pose any significant impact or threats to the water quality of the public storm drain system. Furthermore, in accordance with the hydromodification management requirements of the MS4 permit, the on-site bioretention areas would serve as flow-control BMPs. Additionally, the proposed project would be subject to MS4 permit requirements to reduce polluted stormwater runoff (Appendix H).

Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area, including the Batiquitos Lagoon, would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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.**

The proposed project would not alter the course of a stream or river, as no such features are present on-site. As illustrated on FEMA map panel 06073C1033H, FEMA has not mapped any Special Flood Hazard Areas within the immediate project vicinity, which is designated as being in Zone X (Other Areas) (FEMA 2019). The project site is therefore determined to be outside the FEMA-mapped 100-year floodplain.

As such, the project would not substantially alter the existing drainage pattern of the site or area in a manner which would impede or redirect flood flows. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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.**

Refer to Impact 3.8-6. The proposed project is not located with a flood hazard area, or tsunami or seiche zones. As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is not anticipated, the implementation of the project implementation would not result in the risk release of pollutants as the result of such events. **No impact** would occur.

Mitigation Measures: None required.

Level of Significance: No impact.

WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN

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 3.8-2, groundwater occurs at depths greater than 56.5 feet bgs and dewatering is not anticipated during construction (NOVA 2021). Further, the project site is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. Therefore, the proposed project would not conflict with a sustainable groundwater management plan and there would be no impact.

Short-Term Construction

As described in Impacts 3.8-1 and 3.8-3, the project applicant would prepare and implement a SWPPP that would manage stormwater runoff during construction activities. The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project.

A sediment monitoring plan would also be required to be prepared and implemented during construction because runoff from the site has the potential to discharge directly to Batiquitos Lagoon, which is listed on the 303(d) list for toxicity in sediment. Therefore, with implementation of BMPs, chemical and sediment monitoring during construction as required by the SWPPP, water quality impacts would be reduced or avoided. Due to depth of groundwater at the project site, no dewatering activities are anticipated. Short-term impacts during construction would be **less than significant**.

Post-Construction/Long-Term Occupancy and Operations

As described in Impacts 3.8-1, 3.8-3, and 3.8-5, the proposed project has been designed to include control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

The proposed project has been designed with hydromodification controls that would redirect and capture all stormwater runoff associated with the post construction condition for the proposed project. Water quality pollutant control BMPs with performance standards consistent with City and Regional Stormwater Permit requirements would also be required. While hydromodification and water quality BMPs would be implemented in accordance with City and State requirements, the overall volume of runoff discharged to Batiquitos Lagoon, an impaired waterbody for toxicity, would increase with the implementation of the proposed project.

As described in the environmental setting above, the Basin Plan designates numerous beneficial uses for Batiquitos Lagoon. The Basin Plan establishes WQOs for inland waters and groundwater that are protective of the designated uses for high priority issues. No Basin Plan WQOs have been established for Batiquitos Lagoon. Similarly, no goals or water quality improvement strategies to address lagoon water quality have been established within the Carlsbad WQIP or the City's JRMP. For these reasons, the proposed project would not obstruct the ability to meeting Basin Plan WQOs.

conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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

The geographic scope for cumulative hydrology and water quality impacts includes the areas surrounding the project site, surrounding watershed, underlying groundwater aquifer, and tributaries to the ocean.

Cumulative impacts to hydrology and water quality generally occur as a result of incremental changes that degrade water quality. Cumulative impacts can also include individual projects which, when taken together, adversely contribute to drainage flows or increase potential for flooding in a project area or watershed. Tables 3.0-1 and 3.0-2 and Figure 3.0-1 in Section 3.0 of this EIR identify the cumulative projects considered in this evaluation.

Potential Cumulative Impacts

Future development that could contribute to a cumulative hydrology and water quality impact would be subject to the same requirements as the proposed project and would be required to apply with the San Diego RWQCB for an NPDES permit, which would include implementation of BMPs to prevent water quality impacts during construction and operation. Further, there are several other regional initiatives that are being implemented to meet water quality objectives, reduce pollutant loads, address high-priority pollutants and improve surface water quality within the Carlsbad watershed.

3.8 Hydrology and Water Quality

As shown in [Table 3.8-1](#), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also [Appendix H](#)). Other cumulative projects would have to implement similar project design features to ensure implementation of the cumulative projects does not result in off-site impacts. Cumulative projects would also be subject to MS4 permit requirements to reduce polluted stormwater runoff ([Appendix H](#)).

Therefore, cumulative impacts related to hydrology and water quality would be less than significant and the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

This section details the guiding land use and planning documents applicable to the project, and evaluates the potential for environmental impacts related to an inconsistency with fundamental, specific, environmental mandates of those plans.

ENVIRONMENTAL SETTING

The Leucadia community within the larger City of Encinitas is generally bounded by La Costa Avenue to the north; just east of Lynwood Drive and the Encinitas Ranch Golf Course to the east; Union Street, and just north of El Portal Street, Saxony Lane, Quail Gardens Court, and Foxglove Street to the south; and the Pacific Ocean to the west. The project site is generally located at the southwest corner of the North Coast Highway 101/La Costa Avenue intersection, in the Leucadia community of Encinitas.

The project site lies within the Coastal Overlay Zone which is aimed at long-term protection of the City's coastal resources in conformance with the California Coastal Act. More than half of the City of Encinitas lies within the boundaries of the California Coastal Zone and development within the Coastal Overlay Zone is subject to certain design restrictions aimed at long-term protection of scenic and natural coastal resources. Such design restrictions include, but are not limited to, limiting maximum building height, retaining view corridors, maintaining coastal access, and protecting coastal resources, among other requirements.

The site also lies within the Special Overlay Zone and the Scenic Highway/Visual Corridor Overlay Zone. These City-designated zones provide specific design requirements intended to protect the community's resources, such as steep slopes and scenic elements, that contribute to the overall character of the City of Encinitas. Specific requirements and applicability to the proposed project are further detailed in the discussions below.

Additionally, the project lies within the boundaries of the North 101 Corridor Specific Plan (N101SP). The community vision of the N101SP seeks to establish a streetscape enhancement program along the Highway 101 corridor. The N101SP establishes the overall design theme for the corridor which is to create "a strong sense of community identity through the use of consistent design elements and details, while reinforcing the character of old town Leucadia" (City of Encinitas 1997). To achieve this goal, the N101SP identifies specific objective design guidelines for future development within the Specific Plan area.

REGULATORY FRAMEWORK

State

California Planning and Zoning Law

California Planning and Zoning Law, Government Code Sections 65000–66499.58 set forth the legal framework in which California cities and counties exercise local planning and land use functions. Under State planning law, each city and county must adopt a comprehensive, long-term general plan.

State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements comprise the inclusion of nine mandatory elements described in the Government Code, including a section on land use. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures. The City of Encinitas General Plan is summarized below.

Regional

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional Transportation Plans (RTPs) are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of Senate Bill (SB) 375 aimed at reducing regional greenhouse gas emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

The San Diego Association of Governments (SANDAG) serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, State, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system

by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to State-mandated levels over upcoming years. The 2050 RTP/SCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

Local

City of Encinitas General Plan and Certified Local Coastal Program

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

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Plan (LCP) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as an LCP Land Use Plan for the City. The LCP incorporates land use plans for future development in the Coastal Zone, provisions of the City's Zoning Regulations, zone overlays for sensitive resources, and other implementing measures to ensure the protection of coastal resources. Projects within the Coastal Zone Overlay are subject certain design restrictions for developing in the Coastal Zone (building height limits, retaining view corridors, maintaining coastal access, protection of coastal resources, etc.).

The State's goals for the Coastal Zone include the following:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State.
- Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

3.9 Land Use and Planning

- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

For those lands located within the Coastal Zone, any conflicts that occur between the Land Use Plan and any policy or provision of the General Plan that is not a part of the LCP, the Land Use Plan takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

General Plan and LCP goals and policies applicable to the project include the following:

Land Use Element

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

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

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

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

GOAL 3: To assure successful planning for future facilities and services, and a proper balance of uses within the City, the City of Encinitas will establish

and maintain a maximum density and intensity of residential and commercial uses of land within the City which will:

- a) provide a balance of commercial and residential uses which creates and maintains the quality of life and small-town character of the individual communities; and
- b) protect and enhance the City's natural resources and indigenous wildlife.

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

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

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

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

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

GOAL 8: Environmentally and topographically sensitive and constrained areas within the City shall be preserved to the greatest extent possible to minimize the risks associated with development in these areas. (Coastal Act/30240/30253) Goal 8 amended 5111195 (Reso. 95- 32)

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

GOAL 9: Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic

highways, and vista/viewsheds as identified in the Resource Management Element. (Coastal Act/30240/30251)

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

The City identifies Highway 101 north of La Costa Avenue as a scenic vista point "to be acquired and developed" (City of Encinitas 2016). This vista point lies off-site to the north of the subject property; however, due to its proximity to this potential scenic vista point, the project site is identified as being within a "Vista Point Critical Viewshed" (City of Encinitas 2016). The City's Resource Management Element requires the City to designate Scenic/Visual Corridor Overlay areas within which the character of proposed development is regulated to protect the integrity of the City's designated vista points (i.e., the potential vista point to the north of the project site). Critical viewsheds are defined in the Resource Management Element as those areas that extend radially for approximately 2,000 feet from the vista point and cover areas upon which development could potentially obstruct, limit, or degrade the view (City of Encinitas 2016).

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

City of Encinitas Municipal Code

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

The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property

line noise level limits. These limits apply to existing uses, but also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.

Property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10 of the Municipal Code, “Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone.” Additionally, Section 30.40.10 (B) of the Municipal Code identifies property line ground vibration limits. The Code states that “Every use shall be so operated that the ground vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone.” Refer also to Table 3.10-5, City of Encinitas Ground Vibration Limits, in Section 3.10, Noise.

Additionally, Section 30.34.030, Hillside/Inland Bluff Overlay Zone, and Section 30.34.080, Scenic/Visual Corridor Overlay Zone, apply to the project and are further described below.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides provisions for lands located within the City’s Scenic/Visual Corridor Overlay Zone. The zone applies to all properties within the scenic view corridor along scenic highways and adjacent to significant viewsheds and vista points as identified on the visual resource sensitivity map of the General Plan Resource Management Element. Development within the overlay zone is subject to consideration for overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading. Other visual factors may also be applied to design review approval and shall be applied to coastal development permit approval (City of Encinitas 2020).

Encinitas North Coast 101 Corridor Specific Plan

The City’s General Plan identifies the N101SP due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Where conflicts between standards exist (i.e., with the General Plan) those identified in the N101SP take precedence.

City of Encinitas Climate Action Plan (CAP)

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

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

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

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

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based, in part, on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would have a significant adverse impact related to land use if it would:

1. Physically divide an established community.
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

PROJECT IMPACTS AND MITIGATION

PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

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 the community of Leucadia which is generally built out and exhibits an urban character, similar to that of the larger City of Encinitas. As stated in the General Plan, “New development in the Leucadia community will be restricted to infill and recycling in the residential neighborhoods where vacant lots and green houses will ultimately be developed into residential uses. However, land use policy for the 101 corridor within Leucadia focuses on ways to redevelop and revitalize the business district located along this corridor” (City of Encinitas 1991).

Pedestrian access to the site would be provided at multiple points of ingress from the public right-of-way along the southbound side of Highway 101; refer to [Figure 2.0-3A, Site Plan](#). It is anticipated there would also be pedestrian access to the site from the property adjacent to the north which is the site of a new hotel, ~~currently under construction (at the time of this writing)~~. The proposed improvements would not eliminate or obstruct means of pedestrian access or circulation within the project vicinity, and further, would enhance connectivity to the existing off-site pedestrian network along Highway 101.

~~Further, the~~The proposed development would serve as an extension of existing residential and/or commercial uses adjacent to the south and north of the project site, as well as along the length of the North Coast Highway 101 corridor to the south within the Leucadia community. The project does not propose structural elements that would create a physical barrier (i.e., fences, walls, gates) within the community or that would restrict existing access to/from the subject site

3.9 Land Use and Planning

or other properties in the area or adversely affect established vehicular circulation patterns or access.

Similarly, off-site improvements associated with the project would not result in indirect division of the community. While development of the project site would result in environmental impacts as a result of increased intensity of development (as compared to the existing limited commercial uses on-site), it would not divide an established community. Specifically, the project does not include the construction of new or extended infrastructure (i.e., roads or utility connections) through existing adjacent residential areas that may restrict the established community, as the project site is otherwise within proximity to major roadways and existing infrastructure systems that currently serve the site under existing conditions. Proposed improvements for vehicular circulation and access (e.g., roundabout) ~~, including the proposed left turn lane,~~ would occur within the Highway 101 right-of-way and would be constructed to the requirements of the City's current street classification and engineering design standards. Such improvements would not obstruct or restrict existing circulation patterns or create a division within the established Leucadia neighborhood.

Lastly, the project's potential to result in indirect growth or to induce additional growth that may divide an established community is addressed in Section 6.3, Growth Inducing Impacts, of this EIR. As determined therein, the project would not remove barriers to growth, generate extraordinary economic growth, generate an indirect inducement to significant growth, be a precedent setting action, or encroach into open space. Therefore, the project would not result in indirect growth or induce additional growth that may result in division of an established community.

For the reasons above, the project would not physically divide an established community. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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.**

City of Encinitas General Plan and Certified Local Coastal Program

The City's Housing Element Update (HEU) identifies project APNs 216-041-20 and 216-041-21 as the Jackel Property (Site 7). Relative to the City's Local Coastal Program, subsequent to City approval of the HEU, the City processed an amendment to update the City's LCP to include the 13 of the 15 consolidated HEU sites located within the coastal zone. On June 13, 2019, in evaluating the HEU consistency with the LCP, the California Coastal Commission (CCC) certified the City of Encinitas LCP Amendment No. LCP-6-ENC-19- 0014-1, which revised various sections of the LUP and Implementation Plan in order to implement the City's 2013-2021 Housing Element. Certification of the LCP reinforces consistency of the HEU with the goals and policies set forth by the CCC for the Coastal Zone and the protections it provides for natural and scenic resources within the coastal environment.

Additionally, on May 31, 2019, in evaluating the HEU consistency with the LCP, the CCC found that (CCC 2019):

The Jackel Property (Site 7) is also located along a Scenic Road (North Highway 101) and within the critical viewshed for Highway 101 north of La Costa Avenue; however, views from the vista point will be northwest from these vista points and across the Batiquitos Lagoon, and the project is not located in an area that would obstruct views from these points.

Furthermore, a number of policies within the Encinitas LUP that protect scenic views and seek to maximize visual access to coastal and inland views in conformity with Chapter 3 of the Coastal Act will remain in effect and be unchanged by the Housing Element Update. Policy 4.5 in particular provides for the development of the Scenic/Visual Corridor Overlay Zone, which is designed to protect the integrity of vista points and scenic highways through design review of development within 2,000 feet of vista points or along scenic roads. Specifically, future development within scenic view corridors, along scenic highways and/or adjacent to significant viewsheds or vista points are subject to compliance with regulations that consider the project's overall visual impact and may condition or limit project bulk, mass, height, architectural design, and grading. Other visual factors may be applied as part of Design Review

3.9 Land Use and Planning

approval and will also be considered for coastal development permit approval when the development on the site is formally proposed. Additionally, where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with Encinitas General Plan and LUP standards. Therefore, the Commission finds the proposed Housing Element Update consistent with the relevant Chapter 3 policies.

Therefore, the CCC determined that future development of the HEU's Jackel Site would not adversely affect the identified vista point to the north of the site (see [Section 3.1, Aesthetics](#), for additional discussion). Future on-site development within the Coastal Zone would also be required to demonstrate conformance with the Scenic/Visual Corridor Overlay Zone for the protection of scenic resources and the Hillside/Bluff Overlay Zone to avoid or minimize potential environmental effects on topographic resources; see additional discussion of project conformance with these overlays below under City of Encinitas Municipal Code.

Additionally, APN 216-041-06 (Site 2; Parcel 3) of the project site is not identified in the HEU and was therefore not included in the evaluation of HEU consistency with the Coastal Act. This parcel is similarly subject to the Coastal Overlay Zone and would support portions of the proposed mixed-use development in the southeastern portion of the project site. ~~Although incentives are requested~~ Although the project includes a request to increase the maximum allowed building height to 39 feet for several buildings and the maximum number of stories from 2 to 3 stories for one building, (or 9 feet above that allowed within the Coastal Zone) and the maximum number of stories to 3, it is not anticipated that such an increase would substantially degrade the scenic quality of any coastal resources or the character of the Highway 101 view corridor; refer to [Section 2.0, Project Description](#), for additional discussion of the incentives requested. Additionally, this parcel would also be subject to the Scenic/Visual Corridor Overlay Zone, similar to the 2 parcels comprising the site that were included in the HEU, for the protection of visual resources; see additional discussion of project conformance below under City of Encinitas Municipal Code. With City approval of the incentives requested, the project would be in conformance with maximum height allowances of the Coastal Zone, and no conflict would occur.

Relative to the LCP, the project as designed would maintain coastal access while providing increased connectivity to the existing pedestrian network through proposed sidewalk improvements, thereby allowing residents and visitors continued access to the beach to the north of the site. Additionally, the project would provide a pedestrian bridge to the new hotel located adjacent to the north which would also have access to the coastline. Through

conformance with the General Plan and LCP goals and policies (see also Regulatory Framework section above), the project would provide continued protection of the City's coastal resources and would maintain the scenic character of the Highway 101 view corridor; refer also to Section 3.1, Aesthetics.

For the reasons above, the project would not conflict with the General Plan or LCP relative to avoidance or mitigation of an environmental effect. Impacts would be less than significant.

City of Encinitas Municipal Code

Title 30, Zoning, of the Encinitas Municipal Code is intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health, and welfare" (Ord. 86-19).

~~As described in Section 2.0, Project Description, as part of the HEU, under the State Density Bonus law, the project is afforded two incentives for each lot by providing 20% low income units on both lots. One incentive is requested~~the project includes a request for Parcel 3 (APN 216-041-06) to allow for an increase in the height limit to maximum building height on Parcels 1 and 2 which are subject to the R30 Overlay zone and height regulations specified for the zone in the City's Municipal Code. Per Section 30.16.010B6.a. of the Municipal Code, R30 Overlay zone sites are allowed a total of 3 stories and a maximum height of 35 feet for flat roofs and 39 feet for pitched roofs. The project requests an increase in maximum building height to 40~~39~~ feet 6 inches above finish grade for Parcel 2. The existing height limit for Parcel 3 is 30 feet as is determined by the N-CRM-1 zoning. The proposed increase in the height limit to 39 feet is required to accommodate the necessary commercial ceiling height discussed above and the 3rd level of residential units at proposed Building 1; refer to Figure 2.0-3, Site Plan. A second incentive requested for Parcel 3 is an increase in the maximum allowable stories from 2 to 3. The zoning regulations under N-CRM-1 allow for 2-story structures only. The request to increase the maximum allowable stories~~building height from 2 to 3~~is required to accommodate the necessary proposed ground level-commercial space ceiling height. Parcel 3 is located within the boundary of the N101SP, and therefore, subject to the land use and objective design guidelines identified in the specific plan.

The project would therefore result in construction of buildings that exceed the maximum allowable height within the Highway 101 corridor, which is identified in the City's General Plan Resource Management Element as a Scenic Highway/Visual Corridor and within a "Vista Point Critical Viewshed" in the vicinity of the proposed project. As designed, the proposed buildings that would incorporate the increased height limit would be set back within the property, thereby reducing their apparent visual height and minimizing potential visual effects or conflicts with other existing structures on adjacent properties. The addition of 9 feet above maximum allowable height as proposed for several on-site structures would not result in a substantial visual

3.9 Land Use and Planning

change within the surrounding viewshed. The incentives requested would not have an adverse impact upon public health, safety, or the physical environment; refer also to Section 3.1, Aesthetics, and Section 3.6, Geology and Soils, for a discussion of physical impacts resulting with the project that may be indirectly affected by the incentives requested. The proposed incentives would also not violate any State or federal laws.

Additionally, as indicated in Section 3.10, Noise, of this EIR, project construction and operations would be subject to the restrictions set forth in the City's Noise Ordinance which establishes noise limits for certain activities to avoid or mitigate an environmental effect. As indicated, project construction impacts would be reduced to less than significant with implementation of appropriate mitigation measures; no operational noise impacts were identified. Therefore, the project would not cause a significant environmental impact due to a conflict with Municipal Code regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant with mitigation incorporated.

Special Study Overlay Zone

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

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

The Hillside/Inland Bluff Overlay Zone regulations shall apply to all areas within the Special Study Overlay Zone where site-specific slope analysis indicates that 10% or more of the natural area of a parcel of land exceeds 25% slope. According to the *Geotechnical Investigation*, 15.57% of the project site has a slope greater than 25%. Historical imagery available for the site indicates that the existing on-site steep slopes are not natural features, and rather, are manufactured slopes. Because all of the slopes on the project site have been determined to be manufactured, the project site is not subject to the Hillside/Inland Bluff Overlay Zone regulations (NOVA 2021). Therefore, the project would not conflict with the requirements of the City's Hillside/Inland Bluff Overlay Zone and impacts would be less than significant in this regard.

Scenic/Visual Corridor Overlay Zone

Section 30.34.080, Scenic/Visual Corridor Overlay Zone, of the Municipal Code provides development restrictions for lands within this zone. As stated above, Highway 101 from Encinitas Boulevard to La Costa Avenue and La Costa Avenue to South Carlsbad State Beach is identified as a Scenic Highway/Visual Corridor (City of Encinitas 2016). For development within the

Scenic/Visual Corridor Overlay Zone, the City gives consideration to “the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, and grading, and other visual factors may be applied to design review approval and shall be applied to coastal development permit approval.”

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

The project has been designed to respect the existing character of the Highway 101 corridor and would not incorporate elements that would obstruct, restrict, or otherwise adversely affect any scenic vista points or scenic views experienced along the corridor. Although the proposed height of several buildings would exceed the maximum allowed building height, the requested increase is not anticipated to adversely affect scenic resources along the corridor. The project would be subject to the City’s design review process to ensure that the architectural style and character of the proposed structures and other improvements do not adversely affect or reduce the value of any scenic resources along Highway 101; refer also to [Figures 2.0-4A to 2.0-4F](#). Further, landscaping would be incorporated into the design to enhance views to the site and to blend the development into the surrounding visual setting; refer to [Figure 2.0-5](#).

Through conformance with the City’s objective design regulations, and through City design review and coastal development permit review, it is not anticipated that the project would conflict with the requirements of the Scenic/Visual Corridor Overlay Zone or otherwise adversely affect environmental resources. Refer to [Section 3.1, Aesthetics](#), for additional discussion.

Encinitas North Coast 101 Corridor Specific Plan

The N101SP provides objective design guidelines with the goal of maintaining the identity, community character, and scale of the corridor, and enhancing future opportunities for redevelopment and revitalization along North Highway 101. Although the N101SP provides development standards to address such elements as allowed uses, sidewalk dining, setbacks, access and circulation, signage, parking, landscaping, and lighting, such measures are aimed at maintaining the visual character of the Highway 101 corridor. Specific design measures or goals aimed at avoiding or mitigating an environmental effect relevant to the proposed project are not identified.

3.9 Land Use and Planning

In addition to design regulations, the Specific Plan addresses the provision of circulation, public facilities and infrastructure, historic preservation, housing, and General Plan and LCP compliance. As shown in Section 3.11, Public Services, existing police and fire protection services and library facilities would be adequate to serve the project site with payment of required development fees. Similarly, as indicated in Section 3.14, Utilities and Service Systems, public utility systems (water, sewer, storm drain, electricity) for the site are adequate to serve the project as proposed without expansion or construction of new utility systems, the construction or relocation of which could cause significant environmental effects. As noted in Section 3.4, Cultural Resources, no historic resources are present on the subject site, and therefore, do not require protection or mitigation. Refer also to discussion of project consistency with the City General Plan and LCP, above.

The project would be subject to the City's design review process to ensure conformance with the goals and policies of the N101SP, as applicable to the project, including for objective architectural design characteristics such as scale and bulk, building height, color, building mass, materials, walls and fences, lighting, and rooflines. As such, and for the reasons stated above, the project is not anticipated to cause a significant environmental impact due to a conflict with any regulations or policies in the N101SP adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant in this regard.

City of Encinitas Climate Action Plan

Of particular relevance to the proposed project, the CAP requires all new housing be constructed with rooftop solar panels, low-flow fixtures, and solar water heaters. At the time of preparation of this EIR, the City has not adopted implementing ordinances for these requirements. However, the project as designed would meet such requirements as the project proposes to install roof-mounted solar panels that would provide approximately 250KW of solar powerenergy; install low flow water fixtures in all residential apartment units, the hotel, and public restroom facilities within the mixed-use commercial development area; and install high-efficiency water heaters or solar water heater systems. Other energy-saving and emission-reducing features would include provision of electric vehicle ~~(EV)~~ charging stations (EVCS), compliance with ENERGYSTAR requirements, and installation of LED lighting, among others. Refer to Section 3.5, Energy Conservation and Climate Change, for additional discussion. As determined therein, the project would not impede implementation of the City's CAP.

For the reasons above, the project would not cause a significant environmental impact due to a conflict with any policy or regulation in the City's CAP adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be **less than significant**.

2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

Refer to Section 3.5, Energy Conservation and Climate Change, for a summary of project consistency with the Regional Plan, referred to as *San Diego Forward: The Regional Plan*. As determined therein, the project would not impede implementation of the RTP/SCS.

Therefore, the project would not cause a significant environmental impact due to a conflict with any policy or regulation in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be **less than significant**.

Conclusion

The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.9-3	The project would not result in a significant cumulative land use impact. Impacts would be less than cumulatively considerable.
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Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project’s incremental contribution to a potential cumulative impact relative to land use and planning are identified in Table 3.0-1 and Figure 3.0-1 in Section 3.0, Environmental Analysis, of this EIR. The inclusion of all projects in Table 3.0-1 was based on the location of these projects in the general vicinity of the project site and the possibility that these projects, in combination with the project, may conflict with applicable land use plans and policies. Additionally, to be conservative, the cumulative impact analysis includes the 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

As described above, the project would not result in the physical division of the Leucadia community. No physical elements are proposed that would obstruct or interrupt access or create barriers between existing or proposed land uses. Cumulative projects considered would be evaluated on a project-specific basis for design elements or other features that may directly or indirectly cause a division within the community, and measures would be identified, as needed,

3.9 Land Use and Planning

to reduce such effects. As a result, the project is not anticipated to contribute to a significant cumulative impact in this regard.

Land use plans are inherently cumulative in nature due to their long-term programmatic scope. If a project complies with policies identified in a plan, then the project is not considered to contribute to a cumulative effect. The following plans and regulations were evaluated as part of the cumulative analysis.

City of Encinitas General Plan and Local Coastal Program

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City's General Plan serves as an LCP Land Use Plan for the City. As described under Impact 3.9-2, more than half of the City of Encinitas lies within the boundaries of the California Coastal Zone. Therefore, the majority of the cumulative projects are also located in the Coastal Zone and would be subject to the goals and policies of the LCP as required by the California Coastal Act.

As with the project, each cumulative project within the Coastal Zone would be evaluated by the City to determine compliance with the LCP in order to obtain a coastal development permit. The project has been designed in conformance with the goals and policies of the City of Encinitas General Plan and LCP, including building height limits (with exception of several buildings for which the height limit would be increased), retaining view corridors, maintaining coastal access, and protecting coastal resources), and would obtain a coastal development permit as part of the discretionary process which would confirm project consistency with the General Plan and LCP. Therefore, with compliance to goals and policies of the City of Encinitas General Plan and LCP, the project is not anticipated to contribute to a significant cumulative impact in this regard when considered with the other cumulative projects. Cumulative impacts would be less than significant.

City of Encinitas Municipal Code

It is the responsibility of the City to review each individual project to confirm compliance with the City's Municipal Code as part of the discretionary approval process. Conformance with the Municipal Code is administered on a project-specific basis.

As appropriate, all cumulative projects would be required to demonstrate conformance with Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, of the City Municipal Code which establish property line noise level limits to reduce potential adverse environmental noise effects. As stated, the project would result in less than significant construction noise impacts with incorporation of proposed mitigation measures; no operational noise impacts would occur. Refer also to Section 3.10, Noise. ~~With~~ As applicable to the project

design, with conformance to City Municipal Code noise regulations, the proposed project, when combined with other cumulative projects, is not anticipated to increased noise levels within the Leucadia community or to contribute to a significant cumulative impact in this regard.

As noted above, due to the project's location, portions of the site lie within the Hillside/Inland Bluff Overlay Zone and the Scenic/Visual Corridor Overlay Zone. Other cumulative projects considered may be subject to similar overlay zones and the siting and design requirements that are imposed as a result. As such, over time, the project would have the potential to combine with other projects located within these zones in the surrounding viewshed and alter existing views and/or the visual character experienced along the Highway 101 corridor. All discretionary projects considered would be subject to the City's design review process on a site-specific basis to ensure the protection of resources, such as scenic bluffs and steep slopes, views to the ocean or lagoon, and/or the established visual character of the community that the City seeks to maintain. Such projects would be evaluated for conformance to grading/site design requirements, as well as building height, materials, architectural style, and other such aspects relative to the applicable overlay zone(s), to minimize potential adverse effects. As the project would be consistent with the Hillside/Inland Bluff Overlay Zone and Scenic Visual Corridor Overlay Zone, it is not anticipated that the project would contribute to a significant cumulative impact due to conflict with such overlay zones or associated regulations. The project's contribution to a cumulative impact in this regard would be less than significant.

Encinitas North 101 Corridor Specific Plan

The project (as subject to the N101SP), along with other cumulative projects located within the N101SP boundaries, would be required to demonstrate conformance with the objective design measures identified in the plan intended to maintain the character of the Highway 101 corridor, and to ensure the protection of historic resources and the provision of adequate public facilities and services. It is not anticipated that the project would contribute to a significant cumulative impact due to conflict with the N101SP in this regard.

Other cumulative projects may be located within the boundaries of another specific plan implemented by the City such as the Downtown Encinitas Specific Plan or Cardiff Specific Plan. As applicable, cumulative projects would be evaluated for consistency with relevant specific plans with consideration for such issues as housing types, building heights, architectural character, and for conformance with relative goals and policies identified in the respective plans. Therefore, it is not anticipated that implementation of the cumulative projects would conflict with the goals and policies of a relevant specific plan. The project would not contribute to a significant cumulative impact due to a conflict with N101SP policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Cumulative impacts would be less than significant.

City of Encinitas Climate Action Plan

As climate change is a global issue, not one project or a collection of cumulative projects have the potential to significantly affect GHG emissions. However, it has been determined project compliance with the City's adopted CAP equates to compliance with local and State climate change efforts. Therefore, with conformance to the CAP (subject to City discretionary review), implementation of the cumulative projects would result in less than significant cumulative impacts. Through evaluation, the project was found to be consistent with the CAP (see [Section 3.5, Energy Conservation and Climate Change](#)); therefore, the project is not anticipated to contribute to a significant cumulative impact in this regard. Cumulative impacts would be less than significant.

2050 Regional Transportation Plan and Sustainable Communities Strategy

As determined in [Section 3.5, Energy Conservation and Climate Change](#), the project would not impede implementation of the RTP/SCS. Other cumulative projects would be evaluated for consistency with the RTP/SCS to identify any conflicts and to reduce potential effects, as appropriate. As such, the project is not anticipated to contribute to a significant cumulative effect in this regard. The project's contribution to a cumulative impact would be less than significant.

Conclusion

If incompatibilities or land use conflicts are identified for any of the cumulative projects, it is reasonable to assume the City would either deny the project or require conditions or mitigation to avoid or minimize this type of land use impact. Therefore, for the reasons stated above, development of the proposed project would not contribute to a significant cumulative land use and planning impact. Cumulative impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

The purpose of this section is to evaluate the proposed project's potential noise impacts. This section evaluates short-term construction-related impacts and long-term operational conditions. It also presents relevant regulatory guidelines and County policies related to noise. The analysis in this section is based on the technical *Noise and Groundborne Vibration Technical Memorandum*, prepared by Michael Baker International (Michael Baker) (2022c01; see [Appendix K](#)) and the *Local Transportation Analysis*, prepared by LOS Engineering (20220b; see [Appendix L-2](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991) and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Third-party technical reports were peer-reviewed by Michael Baker and the City of Encinitas.

ENVIRONMENTAL SETTING

Fundamentals of Noise and Vibration

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as airborne sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large and awkward range of numbers. To avoid this, sound levels are described in decibel (dB) units. The decibel scale uses the hearing threshold (20 micropascals) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

3.10 Noise

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.

3.10 Noise

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

3.10 Noise

judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. For ground vehicles, a noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.

Sensitive Receptors

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as parks, historic sites, cemeteries, and recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. The nearest sensitive receptors to the project site are multi-family residences (Seabluffe Village) located immediately adjacent to the west and south.

Short-term noise measurements were conducted at three locations in the project vicinity, as shown in [Table 3.10-2, Measured Ambient Noise Levels](#), and on [Figure 3.10-1, Ambient Noise Monitoring Locations](#).

Table 3.10-2 Measured Ambient Noise Levels

Measurement Location Number	Location	L_{eq} (dBA)	L_{max} (dBA)	L_{min} (dBA)	Peak (dBA)	Time
1	On southern side of the project site near existing driveway and Highway 101	65.3	79.4	44.2	99.1	10:27 a.m.
2	Inside Seabluffe Village, the grass area adjacent to Moorgate Road and apartments along Haymarket Road	50.4	66.4	41.2	84.1	10:50 a.m.
3	Inside Seabluffe Village, at the corner of Milbank Road and Moorgate Road	53.6	75.9	44.5	100.7	11:03 a.m.

Note: L_{eq} = equivalent sound level; L_{max} = maximum sound level, the highest individual sound level occurring over a given time period; L_{min} = minimum sound level, the lowest individual sound level occurring over a given time period; Peak = peak sound level, the peak level of the sound pressure wave with no time constant applied.

Source: Michael Baker International, 2022c4 (Appendix K).

Existing Conditions

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly operated as a restaurant, along with various supporting surface parking areas and a small area of previously undeveloped land.

The existing Seabluffe residential community of 255-gated townhomes is located directly adjacent to the south and west. Moorgate Road and approximately 18 parking stalls run along the southern boundary of the site. The Pacific Ocean lies further west, approximately 0.14-mile from the site. The Alila Marea Beach Resort is located adjacent to the north of the project site. The intersection of La Costa Avenue and North Coast Highway 101 lies approximately 215 feet to the northeast. North Coast Highway 101, a four-lane divided highway with two lanes and a dedicated bike lane in both directions, forms the eastern boundary of the project site. Sidewalks are only available along southbound Highway 101 on the north half of the project site. The North County Transit District (NCTD) railroad runs north-south and parallels Highway 101 on the east, approximately 135 feet to the east of the project site at its nearest point. The closest airport is the McClellan-Palomar Airport, located approximately 3.5 miles to the northeast of the project site.

Ambient noise in the project area is primarily generated by traffic along North Coast Highway 101. Other ambient noise sources are typically from the surrounding residential land uses, such as lawnmowers and barking dogs. Ambient noise levels in the vicinity of the project site during the daytime hours ranged from 50.4 to 65.3 dBA L_{eq} .

REGULATORY FRAMEWORK

Federal

US Environmental Protection Agency

The US Environmental Protection Agency offers guidelines for community noise exposure in the *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise* (EPA 1981). These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other federal agencies have adopted suggested land use compatibility guidelines which indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

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

3.10 Noise

use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 3.10-3, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community’s sensitivity to noise, and the community’s assessment of the relative importance of noise pollution.

Table 3.10-3 Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (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.

3.10 Noise

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

City of Encinitas Municipal Code

The City’s Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City’s citizens or degrade their quality of life. Chapter 9.32, Noise Abatement and Control, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels. Chapter 9.32.410 states that it shall be “unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving, or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.”

The property line noise limits are summarized in Table 3.10-4, City of Encinitas Exterior Noise Limits. As stated in Section 30.40.10, “Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone.”

Table 3.10-4 City of Encinitas Exterior Noise Limits

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

Source: City of Encinitas Municipal Code 30.40.010(A)

The property line ground vibration limits are summarized in Table 3.10-5, City of Encinitas Ground Vibration Limits. As stated in Section 30.40.10 (B), “Every use shall be so operated that the ground

vibration generated at any time and measured at any point along the lot line of the lot on which the use is located shall not be perceptible and shall not exceed the limits of any adjacent zone.”

Table 3.10-5 City of Encinitas Ground Vibration Limits

Adjacent Zone	Vibration in Inches per Second	
	Impact	Steady-State
Residential	.006	0.03
Commercial	.010	0.05
Light Industrial	.040	0.020
Public/Semi-Public	.010	0.05

Source: City of Encinitas Municipal Code 30.40.010(B)

Encinitas North 101 Corridor Specific Plan

The project is located within the Encinitas North 101 Corridor Specific Plan (N101SP). The North 101 Corridor planning area consists of approximately 231 acres located within the communities of Leucadia and Old Encinitas in the City of Encinitas. The planning area is bounded by the City limit line on the north, B Street/Encinitas Boulevard on the south, parcels fronting Vulcan Avenue on the east, and parcels fronting North Highway 101 on the west. Chapter 9.7, Noise, of the Specific Plan establishes goals and policies related to noise in the Specific Plan area. The relevant goals and policies for the project include:

Chapter 9.7, Noise

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

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

3.10 Noise

- a. Performance Standards Adjacent to Residential Areas. New commercial construction adjacent to residential areas should not increase noise levels in a residential area by more than 3 dB (L_{dn}) or create noise impacts which would increase noise levels to more than an L_{dn} of 60 dB at the boundary of the nearest residential area, whichever is more restrictive.
- b. Performance Standards Adjacent to Commercial and Industrial Areas. New commercial projects should not increase noise levels in a commercial area by more than 5 dB (L_{dn}) or increase noise levels to an L_{dn} in excess of 70 dB (office buildings, business and professional) or an L_{dn} of 75 dB (industrial) at the property line of an adjacent commercial/industrial use, whichever is more restrictive.

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

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

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

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

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

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

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For purposes of this EIR, the proposed project may have a significant adverse impact related to noise and vibration if it would result in:

1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
2. Generation of excessive groundborne vibration or groundborne noise levels.
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

3.10 Noise



PROJECT IMPACTS AND MITIGATION

EXCEED NOISE STANDARDS

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 residential neighborhoods located immediately adjacent to the west and south of the proposed project site (see [Figure 3.10-1](#)).

Project Construction

Construction of the proposed project would involve construction activities such as building demolition, grading, building construction, paving, and architectural coating. The temporary construction noise associated with on-site equipment could potentially expose sensitive receptors to noise levels in excess of the applicable noise standard and/or result in a noticeable increase in ambient noise levels, and/or an exceedance of daytime hour noise standards.

Typical noise levels generated by construction equipment used by the project are shown in [Table 3.10-6, Noise Levels Generated by Construction Equipment](#). It should be noted that the noise levels in maximum sound levels (L_{max}) identified in [Table 3.10-6](#) are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). The L_{max} levels were converted to L_{eq} levels based on the acoustical use factor of each equipment, and L_{eq} levels are more representative of the noise levels averaged over time.

3.10 Noise

Table 3.10-6 Noise Levels Generated by Construction Equipment

Type of Equipment	Acoustical Use Factor ¹	L _{max} at Property Line (dBA) ²	L _{eq} at Property Line (dBA) ²	L _{max} at 50 Feet (dBA)	L _{eq} at 120 Feet (dBA)	L _{eq} at 220 Feet (dBA)
Backhoe	40	112	108	78	66	61
Concrete Saw	20	124	117	90	75	70
Crane	16	113	105	79	63	58
Dozer	40	116	112	82	70	65
Dump Truck	40	110	106	76	64	59
Excavator	40	115	111	81	69	64
Forklift	40	112	105	78	63	58
Grader	40	119	115	85	73	68
Loader	40	113	109	79	67	62
Paver	50	111	108	77	66	61
Vibratory Pile Driver	20	129	122	95	80	75
Roller	20	114	107	80	65	60
Scraper	40	119	115	85	73	68
Soil Mix Drill Rig	50	114	111	80	69	64
Tractor	40	118	114	84	72	67
Water Truck	40	114	110	80	68	63
General Industrial Equipment	50	119	116	85	74	69

Note:

Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.

Source: Michael Baker International, 2022c4 (Appendix K)

The potential for construction-related noise to affect nearby sensitive receptors would depend on the location and proximity of construction activities to these receptors. The closest sensitive receptors are the multi-family residences located adjacent to the west and south of the project site.

According to the Municipal Code Section 9.32.410 (A), construction activities are only allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Saturdays except for holidays and construction equipment, or combination of equipment shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.

As shown in Table 3.10-6, construction noise would potentially range from 105 dBA L_{eq} to 122 dBA L_{eq} at the property line and 77 dBA L_{eq} to 95 dBA L_{eq} at 50 feet from the property line, in exceedance of the 75 dBA threshold. At a distance of 120 feet from the property lines, estimated noise levels from all equipment types with the exception of pile drivers would be reduced to below the 75 L_{eq} thresholds. At a distance of 220 feet from the property line, vibratory pile drivers would be reduced to below the 75 dBA L_{eq} threshold.

Although construction noise may exceed the 75 dBA L_{eq} threshold at any given time, the fraction of use for the types of construction equipment shown in Table 3.10-6 would range from 16% to 50% over the course of a construction day and in different areas on the property at varying distances from the property boundary; therefore, the rate and duration of individual or cumulative equipment noise in exceedance of the 75 dBA threshold would be variable and intermittent in duration throughout the day and it is unlikely that construction activities would continuously sustain or exceed the 75 dBA over the course of an 8 hour period.

The applicant for the proposed project would be required to prepare a Construction Noise Control Plan and comply with City's noise ordinance requirements as a condition of project approval. Because the project would be required to prepare a Construction Noise Control Plan to demonstrate compliance with the City's noise ordinance, including the requirements that construction equipment, or combination of equipment would not sustain or exceed the City's 75 dBA significance threshold continuously over the course of an 8 hour period, the impact of temporary construction noise would be **less than significant**.

Project Operations

Off-Site Mobile Noise

The proposed project would result in additional traffic on adjacent roadways from daily activities, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. Based on the City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Local Transportation Analysis prepared by LOS Engineering, Inc. (2022b0; Appendix L-2), the project would generate a net increase of ~~1,122~~1,173 average daily trips, including ~~856~~ trips during the a.m. peak hour and ~~102~~124 trips during the p.m. peak hour. The noise levels under "Existing Without Project" and "Existing With Project" scenarios are modeled using Federal Highway Administration's Highway Noise Prediction Model (FHWA RD-77-108) and compared in Table 3.10-4, Existing Traffic Noise Levels. Noise modeling assumptions and results are included in Appendix K. As depicted in Table 3.10-4, under the "Existing Without Project" scenario, noise levels at 100 feet from roadway centerline would range from approximately 59.5 dBA to 65.0 dBA, with the highest noise levels occurring along Carlsbad Boulevard from Avenida Encinas to La Costa Avenue. The "Existing With Project" scenario noise levels at 100 feet from roadway

3.10 Noise

centerline would range from approximately 59.7 dBA to 65.1 dBA, with the highest noise levels also occurring along Carlsbad Boulevard from Avenida Encinas to La Costa Avenue.

Table 3.10-7 also shows the difference between the “Existing Without Project” scenario and the “Existing With Project” scenario. As depicted in Table 3.10-7, traffic associated with the proposed project would result in a maximum increase of 0.3 dBA along North Coast Highway 101 from 600-foot South of La Costa Avenue to Grandview Street. A significant impact would result only if both of the following occur: an exceedance of the normally acceptable noise standards for residential uses (i.e., 60 dBA CNEL; refer to Table 3.10-4) and a perceptible increase in traffic noise levels (i.e., noise increase would be greater than 3.0 dBA).

As shown in Table 3.10-7, although traffic noise levels would exceed 60 dBA CNEL along almost all roadway segments under both “Existing Without Project” and “Existing With Project” scenarios in the project area, project-generated average daily trips would not cause a perceptible increase in traffic noise levels (i.e., noise increase would be greater than 3.0 dBA) along any of the surrounding roads. As depicted in Table 3.10-7, traffic associated with the proposed project would result in a maximum increase of 0.2 dBA along roadway segments on La Costa Avenue. As the project would not cause a perceptible increase in traffic noise levels, the proposed project would not significantly increase noise levels along the roadway segments analyzed. Therefore, a less than significant impact would occur in this regard.

Table 3.10-7 Existing vs. Existing + Project Noise Levels

Roadway Segment	Existing Without Project					Existing With Project					Difference In dBA @ 100 Feet from Roadway ¹
	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour	
Carlsbad Boulevard											
Avenida Encinas to La Costa Avenue	16,525	65.0	-	100	216	16,749 16,760	65.1	-	101	218	0.1
North Coast Highway 101											
La Costa Avenue to 600-foot South of La Costa Avenue	17,801	60.6	-	51	109	18,474 18,563	60.7	-	52	112	0.20.1
600-foot South of La Costa Avenue to Bishops Gate Road	17,801	60.5	-	50	108	18,923 18,212	60.8	-	52	113	0.30.1
Bishops Gate Road to Grandview Street	17,427	60.4	-	49	107	18,538 17,838	60.7	-	52	111	0.30.1
Grandview Street to Jupiter Street	15,918	60.0	-	-	100	16,344 16,329	60.1	-	47	102	0.1
Jupiter Street to Leucadia Boulevard	15,873	60.0	-	-	100	16,288 16,272	60.1	-	47	102	0.1
La Costa Avenue											
North Coast Highway 101 to North Vulcan Avenue	11,686	59.5	-	43	93	12,135 12,214	59.7	-	44	95	0.2
North Vulcan Avenue to Sheridan Road	13,499	60.2	-	48	102	13,925 14,015	60.3	-	49	105	0.10.2
Sheridan Road to Interstate 5	14,728	60.5	-	50	109	15,121 15,197	60.7	-	51	111	0.10.2

Notes: ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level; "-" = contour is located within the roadway right-of-way.

¹ Totals may be slightly off due to rounding.

Source: Noise modeling is based on traffic data within the City of Encinitas Marea Village Mixed-Use Development (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, prepared by LOS Engineering, Inc. (2022b9; Appendix L-2).

3.10 Noise

Stationary Noise

Mechanical Equipment Noise

Anticipated mechanical equipment noise that would be generated by the proposed project would include Heating Ventilation and Air Conditioning (HVAC) units (e.g., at the residential units) and swimming pool pumps (e.g., at the hotel). The HVAC units would be installed on the rooftops of the proposed buildings and the swimming pool pumps would be located to the east of Building 11 (proposed hotel use). Typically, mechanical equipment noise is 55 dBA at 50 feet from the source. Because the swimming pool pumps would be located further from the nearest off-site sensitive receptors than the HVAC units, the following discussion focuses on noise generated from the HVAC units. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source. The closest proposed building to the property line of the multi-family residences to the west would be Building 11 (hotel use), located on northwest of the project site. The HVAC units would be installed on the central-west portion of Building 11's rooftop, approximately 50 feet from the multi-family residences property line. At this distance, noise levels from the HVAC units would be approximately 55 dBA. In addition, the HVAC units would be shielded by a screening wall, which would reduce noise levels by 5 dBA. Therefore, noise levels from HVAC units would be approximately 50 dBA at the nearest residential property line and would not exceed the City's R-11 Zone exterior noise level standards of 55 dBA CNEL for daytime and 50 dBA CNEL for nighttime. The project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1 in this regard. In addition, noise levels from HVAC units would be below the ambient noise levels (i.e. 50.4 dBA to 53.6 dBA; refer to Table 3.10-7), which would be consistent with the Specific Plan requirements that noise levels shall be 3 dBA or less over ambient noise levels and below 60 dBA. Thus, a less than significant impact would occur.

Parking Lots

The project proposes a combination of on-site garage parking and limited surface parking as well as off-street parking. The on-site surface parking spaces would be located on the west and south portion of the project site.

Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with some parking lot activities are presented in Table 3.10-8, Typical Noise Levels Generated by Parking Lots.

**Table 3.10-8
 Typical Noise Levels Generated by Parking Lots**

Noise Source	Maximum Noise Levels at 50 Feet from Source (dBA L _{eq})
Car door slamming	61
Car starting	60
Car idling	53

Notes: dBA = A-weighted Decibels; L_{eq} = Equivalent Sound Level
 Source: Michael Baker International, 2022c4 (Appendix K).

As shown in [Table 3.10-8](#), parking lot activities can result in noise levels of up to 61 dBA at a distance of 50 feet. It is noted that parking lot noise are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower than what is identified in [Table 3.10-5](#). The nearest parking spaces would be located approximately 40 feet from the property line of the multi-family residences to the west. At this distance, parking lot noise would range from 55 to 63 dBA. It should be noted that parking lot noise levels would be much lower in the CNEL noise scale (i.e., the noise metric used by the Land Use Compatibility Guidelines to evaluate mobile noise impacts) which represents a time-weighted 24-hour average noise level based on A-weighted decibels. While parking lot noise may be as loud as 63 dBA, these noise levels would be short-term and intermittent. In addition, there is an existing surface parking lot located on the west side of the project site that is also close to the multi-family residences. Therefore, project-generated parking lot noise levels would not introduce a new source of noise when compared to existing conditions. Thus, the project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1, and impacts would be less than significant.

Outdoor Area

The project proposes an outdoor patio area located on the west side of proposed hotel (Building 11). The proposed outdoor patio area has the potential to be accessed intermittently by groups of people which would increase the ambient noise level in the outdoor patio area. Noise generated by groups of people is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the group members. This type of noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the group members. Therefore, group noise levels would be approximately 62 dBA at one meter (3.28 feet) from the source.

In addition, the project may periodically play low-volume ambient background music throughout the outdoor area of the project site. The ambient music would be similar to the music played in restaurants, retail centers, and other public spaces. The background music is assumed to

3.10 Noise

generate a similar level of noise as the groups of people analyzed above (60 dBA at one meter). The outdoor patio area would be located approximately 30 feet from the property line of the multi-family residences to the west. At this distance, noise level would be reduced to approximately 43 dBA at the property line, which would not exceed the City's R-11 Zone exterior noise level standards of 55 dBA CNEL for daytime and 50 dBA CNEL for nighttime. The project would be consistent with General Plan Noise Element Policy 3.1 and Policy 4.1 in this regard. In addition, noise levels from the proposed outdoor patio area would be below the existing ambient noise levels in this area (i.e. 50.4 dBA to 53.6 dBA; refer to Table 3.10-3), which would be consistent with the Specific Plan requirements that noise levels shall be 3 dBA or less over ambient noise levels and below 60 dBA. As such, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EXCESSIVE VIBRATIONS OR NOISE

Impact 3.10-2 **The project would have the potential to result in the generation of excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant with mitigation incorporated.**

Construction

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and construction equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic (e.g., plaster cracks) or structural. The distance at which damage from vibration could be experienced can vary substantially depending on the age and composition of the building structure, soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, buildings that are constructed with typical timber frames and masonry show that a vibration level

of up to 0.2 in/sec PPV is considered safe and would not result in any construction vibration damage. This evaluation uses the Federal Transit Administration (FTA) architectural damage criterion for continuous vibrations at non-engineered timber and masonry buildings of 0.2 in/sec PPV. The FTA has published standard vibration velocities for construction equipment operations. Typical vibration produced by construction equipment is detailed in Table 3.10-9, Typical Vibration Levels for Construction Equipment.

Groundborne vibration decreases rapidly with distance. The nearest structures are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As indicated in Table 3.10-9, vibration velocities from typical heavy construction equipment used during project construction would range from 0.0042 (a small bulldozer) to 0.2935 (vibratory roller) in/sec PPV at 20 feet from the source of activity, which would potentially exceed the FTA's 0.2 in/sec PPV threshold of architectural damage. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels below the threshold. Mitigation measure **NOI-1** would ensure the vibration level at the nearest structures would be closely monitored during construction and by adjusting the vibration frequency settings of the construction equipment, the vibration level would be below the 0.2 in/sec threshold at the nearest structures. With the implementation of mitigation measure **NOI-1**, the proposed construction activities associated with the project would not expose sensitive receptors to excessive groundborne vibration levels. Vibration impacts associated with construction would be **less than significant with mitigation incorporated**.

**Table 3.10-9
 Typical Vibration Levels for Construction Equipment**

Equipment	Approximate peak particle velocity at 25 feet (inches/second) ¹	Approximate peak particle velocity at 20 feet (inches/second) ¹
Large bulldozer	0.089	0.1244
Loaded trucks	0.076	0.1062
Small bulldozer	0.003	0.0042
Jackhammer	0.035	0.0489
Pile Drivers (Low Vibration)	0.170	0.2376
Vibratory Rollers	0.210	0.2935

Notes:

1. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance

PPV (ref) = the reference vibration level in in/sec from Table 7-4 of the FTA *Transit Noise and Vibration Impact Assessment Manual*.

D = the distance from the equipment to the receiver

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, Table 7-4, *Vibration Source Levels for Construction Equipment*, September 2018.

3.10 Noise

Operational

The project proposes a mixed-use development including residential use, office, retail, restaurant, and hotel. The operation of the project would involve occasional truck deliveries and trash pick-up, which would potentially generate groundborne vibration. However, the truck operations would not be substantial, and the groundborne vibration levels would not be perceptible or felt at surrounding uses.

Operation of the project would not generate substantial levels of vibration due to the absence of vibration-generating sources. Therefore, the impact would be less than significant during project operations.

Mitigation Measures:

NOI-1 **Implement Vibration Control Measures During Construction.** The project applicant shall incorporate the following measures on all grading and building plans and specifications subject to approval of the City of Encinitas prior to issuance of a demolition or grading permit (whichever occurs first):

- The ~~Applicant~~ project applicant shall utilize a construction vibration monitoring system with the potential to measure low levels of vibration. The aApplicant shall adjust the vibration frequency settings of the equipment to ensure vibration levels do not exceed the 0.2 inch-per-second PPV threshold at the residential buildings located to the west of the project site.
- The project aApplicant shall conduct sensitivity training to inform construction personnel about the existing sensitive receptors surrounding the project and about methods to reduce noise and vibration.

Level of Significance: Less than significant with mitigation incorporated.

PUBLIC AIRPORT OR PRIVATE 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.

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

3.10 Noise

Potential Cumulative Impacts

When determining whether the overall noise (and vibration) impacts from cumulative projects would be cumulatively significant and whether the proposed project's incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases.

Short-Term Construction Noise Impacts

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, as analyzed above, construction noise impacts primarily affect the areas immediately adjacent to the project site. As a condition of project approval, the project would be required to prepare a Construction Noise Control Plan to demonstrate that all construction activity is in compliance with all applicable City noise standards and submit it to the City's Planning and Building Department for review and approval, which would reduce construction noise impacts to less than significant levels. All other housing projects covered under the 2019 HEU would be subject to the same requirements. The construction activities associated with other cumulative development projects would also be required to comply with the City's Municipal Code and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, with implementation of a City-approved Construction Noise Control Plan, the project's contribution to cumulative short-term construction impacts would be less than cumulatively considerable.

Long-Term (Mobile) Noise Impacts

Long-term cumulative noise impacts from mobile sources would occur primarily as a result of increased traffic on area roadways due to buildout of the proposed project and other projects in the vicinity. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dB higher than one source under the same conditions (FTA 2006). An increase of 3 dB is widely accepted as "barely perceptible." With regard to traffic noise, traffic volumes would need to roughly double to result in a perceptible change in ambient noise levels.

To determine if cumulative traffic noise levels would increase to a level of significance with the development of the proposed project and other planned projects, traffic data from the Local Transportation Analysis (~~prepared by~~ LOS Engineering, Inc., 2020 2022b) was analyzed for the following traffic scenarios:

- Existing: Current day noise conditions without construction of the project.

- Existing Plus Cumulative Projects without Project: Current day noise conditions plus the completion of the project and the completion of other permitted, planned projects or approved ambient growth factors.
- Existing Plus Cumulative Projects with Project: Comparison of the existing noise levels and the related noise level increases from the combination of the project and all other planned or permitted projects in the vicinity of the site.

As shown in Table 3.10-10, Cumulative Traffic Noise, combined effect for roadway segment noise levels would increase between ~~0.40.3~~ dBA and ~~1.21.1~~ dBA with development of the proposed project and other cumulative projects over existing conditions. As the noise increase would not exceed the 3 dBA threshold, the proposed project would not contribute to a significant cumulative noise impact to any existing or future noise sensitive land use. Therefore, mobile source noise impacts would be less than cumulatively considerable.

3.10 Noise

**Table 3.10-10
Cumulative Traffic Noise**

Roadway Segment	dBA @ 100 Feet from Roadway Centerline			Combined Effects	Incremental Effects	Cumulatively Significant Impact? ²
	Existing	Cumulative without Project	Cumulative with Project	Difference in dBA Between Cumulative With Project and Existing ¹	Difference in dBA Between Cumulative With Project and Cumulative Without Project	
Carlsbad Boulevard						
Avenida Encinas to La Costa Avenue	65.0	65.7	65.7 <u>65.8</u>	0.7 <u>0.8</u>	0.1	No
North Coast Highway 101						
La Costa Avenue to 600-foot South of La Costa Avenue	60.6	60.8	61.0	0.4	0.2	No
600-foot South of La Costa Avenue to Bishops Gate Road	60.5	60.8	61.0	0.5 <u>0.3</u>	0.3 <u>0.0</u>	No
Bishops Gate Road to Grandview Street	60.4	60.7	60.8	0.4	0.1	No
Grandview Street to Jupiter Street	60.0	60.3	60.4	0.4	0.1	No
Jupiter Street to Leucadia Boulevard	60.0	60.3	60.4	0.4	0.1	No
La Costa Avenue						
North Coast Highway 101 to North Vulcan Avenue	59.5	60.6	60.7	1.2 <u>1.1</u>	0.1	No
North Vulcan Avenue to Sheridan Road	60.2	61.1	61.2 <u>61.3</u>	1.1	0.1 <u>0.2</u>	No
Sheridan Road to Interstate 5	60.5	61.5	61.6	1.1	0.1	No

Notes:

1. Totals may be slightly off due to rounding.

2. A cumulative impact would occur if the "Combined Effects" and "Incremental Effects" criterion are exceeded, and the modeled noise level exceeds the normally acceptable noise standard shown in Table 3.10-3.

Source: Noise modeling is based on traffic data within City of Encinitas Fenway Mixed-Use (Hotel, Residential, Commercial) 1900 N. Coast Highway 101 Draft Local Transportation Analysis, prepared by LOS Engineering, Inc., May 2022b; refer to Appendix L-2, dated November 12, 2020.

Long-Term (Stationary) Noise Impacts

Although related cumulative projects have been identified within the project study area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of each development. However, each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. As noted above, the proposed project would not result in significant stationary noise impacts. Therefore, the proposed project would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors. The proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Vibration Impacts

As discussed above, project construction activities would not generate groundborne vibration off-site above the significance criteria (i.e. 0.2 in/sec PPV threshold for construction as established by the FTA) with implementation of mitigation measure **NOI-1**, and project operation activities would not generate perceptible groundborne vibration. Although construction activities associated with the proposed project and off-site cumulative projects may overlap, off-site projects within the City would also be subject to the 0.2 in/sec PPV threshold. Further, the cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact.

Therefore, cumulative impacts related to noise would be less than significant with the implementation of mitigation measure **NOI-1** and the project's contribution to a cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **NOI-1**.

Level of Significance: Less than cumulatively considerable.

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Section 3.11

Public Services and Recreation

This section discusses the proposed project relative to public services including fire protection, law enforcement, schools, parks and recreation, and other public facilities. Analysis in this section draws upon data in the *City of Encinitas General Plan (1991)* and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment (2018)*. Service availability letters from the relevant service providers can be found in [Appendix N](#).

ENVIRONMENTAL SETTING

Fire Protection and Emergency Services

The project site is served by the City of Encinitas Fire & Marine Safety Department. The department has 70 full-time employees and five divisions: Fire Operations and Support Services, Fire Administration, Loss Prevention and Planning (Fire Prevention), Disaster Preparedness, and Marine Safety Services. The Fire Department operates six fire stations distributed in different areas of the City to serve the 20-square-mile service area (City of Encinitas 2020a).

The closest station to the project site is Fire Station 3, at 801 Orpheus Avenue in Leucadia, approximately 1.5 mile southwest. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

In 2019, the Fire Department responded to 6,800 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. The 2019 calls represent a 3.5% increase from 2018 (6,572 calls) (City of Encinitas 2020a).

According to the North 101 Corridor Specific Plan (N101SP), response time for the plan area is meeting level of service standards. Existing citywide fire service impact fees should ameliorate any changes to service demand created by changed development intensities in the planning area (City of Encinitas 1997).

Law Enforcement

The San Diego County Sheriff's Department serves the project site from its North Coastal Station located at 175 North El Camino Real in Encinitas, approximately 3.5 miles southeast. The station serves nearly 60 square miles including the cities of Del Mar, Encinitas, and Solana Beach and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton, and San Onofre, providing public safety services to more than 80,000 residents (County Sheriff 2020).

3.11 Public Services and Recreation

The North Coastal Station staffs approximately 107 total staff which includes 36 active members of the City's Senior Volunteer Unit (County Sheriff 2020). The North Coastal Station has 15 patrol vehicles, 3 traffic enforcement vehicles, 4 detective vehicles, 4 Community Oriented Policing and Problem Solving (COPPS) vehicles, and 5 bicycles. Overall, department response time averages for the 2013–2014 fiscal year were as follows: Priority 1 – 6.0 minutes; Priority 2 – 10.9 minutes; Priority 3 – 16.1 minutes; and Priority 4 – 45.8 minutes (City of Encinitas 2016b).

According to the N101SP, current service levels providing six 24-hour units per 10,000 residents exceed the City's goal of one 24-hour deputy per 10,000 residents (City of Encinitas 1997).

Schools

The N101SP area is served by the Encinitas Union School District, San Dieguito Union High School District, and Mira Costa Community College District. The individual schools serving the specific plan area are Paul Ecke Central Elementary School, Oak Crest Junior High School, San Dieguito High School Academy, La Costa Canyon High School and Mira Costa Community College.

The project site is located in the Encinitas Union School District (EUSD), which serves the City and the La Costa area of Carlsbad in north San Diego County through its nine elementary schools. Approximately 5,400 students are served by the EUSD (EUSD 2016).

In the project area, students in kindergarten through sixth grade would attend Paul Ecke Central Elementary School, at 185 Union Street (approximately 1.8 mile southeast of the project site). Paul Ecke Central shares attendance boundaries with Capri and Ocean Knoll Elementary schools. Students in the project area attend middle school and high school in the San Dieguito Union High School District (SDUHSD). Middle school students (seventh and eighth grades) would attend Diegueño Middle School, at 2150 Village Park Way Drive (approximately 4.1 miles southeast of the project site) and high school students (ninth through twelfth grades) would attend La Costa Canyon High School at 1 Maverick Way, Carlsbad (approximately 4.5 miles east of the project site).

School districts currently collect school impact fees assessed on new development to provide financing for future facilities, however, the current fees do not adequately meet the districts' need for financing the facilities generated by new development (City of Encinitas 1997).

Parks

As of April 2021, the City's Parks, Recreation, & Cultural Arts Department maintains 153 acres of developed/undeveloped parks, 82 acres of open space, 45 acres of beaches, 40 miles of trails, and 10 miles of streetscapes (City of Encinitas 2020c). The department has four operating

divisions: Administrative Services, Cultural Arts, Parks, Beaches and Trails, and Recreation. The department is responsible for a range of services including:

- Recreational, educational, and sports programs and services for youth, teens, adults, and senior citizens
- Citywide special events such as the Holiday Parade, Spring Egg Hunt, Pet Health Expo, Summer Concerts, Movies in the Park, and the Moonlight Beach Fest
- Park, beach, and recreational trail maintenance, and streetscape maintenance
- Animal control services

The City also borders the Pacific Ocean which offers opportunities for swimming, surfing, walking, running, sailing, and similar activities, as well as passive recreational activities such as picnicking and public gathering. The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. The Pacific Ocean lies approximately 0.14 mile to the west of the site.

As stated in Recreation Element Policy 1.5 in the Encinitas General Plan, the City’s goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991). The City encourages neighborhood parks within walking distance for all urban area residents. According to the City’s Parks, Beaches, Trails, and Open Space Master Plan, the City has 1,643.2 acres of parks, beaches, and open space (see [Table 3.11-1, Existing Parks, Beaches, and Open Space](#)). These lands are either owned by the City, county, or state.

Table 3.11-1 Existing Parks, Beaches, and Open Space

Category	Total Acreage
Parks	295.0
Beaches	84.0
Open Space	1,264.2
Total	1,643.2

Source: City of Encinitas Parks, Beaches, Trails, and Open Space Master Plan (City of Encinitas 2016b)

The City currently collects development fees for new community and parkland facilities and/or improvements, including open space acquisition and/or trail development that are needed to serve new development projects.

Other Services and Facilities

Other existing public facilities available to support the population in the vicinity of the project site include libraries, hospitals, and general City administration. Existing library services are provided by the 4,100 square-foot San Diego County Library Encinitas Branch Library located at 540 Cornish Drive, approximately 2.6 miles south of the project site. Another branch library is located in Cardiff at the Cardiff Towne Center which totals 1,540 square feet. According to the N101SP, existing library facilities do not meet county library standards which is calculated as 0.35 gross square feet of library space per person (City of Encinitas 1997). The is located at 540 Cornish Drive. The nearest hospital is Scripps Memorial Encinitas Hospital, located approximately 3.3 miles south-southeast of the project site at 354 Santa Fe Drive. City Hall is located at 505 S. Vulcan Avenue, approximately 0.5 miles southwest of the project site. The City currently collects community facility fees on new development to provide financing for future facilities

REGULATORY FRAMEWORK

State

Quimby Act

Since the passage of the 1975 Quimby Act (California Government Code Section 66477), cities and counties have been authorized to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

Local

City of Encinitas General Plan

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

Public Safety Element

GOAL 1: Public health and safety will be considered in future land use planning.

- Policy 1.8: New residential and commercial construction shall provide for smoke detector and fire sprinkler systems to reduce the impact of development on service levels.
- Policy 1.9: Adequate safety service levels shall be maintained and provided for by new development.
- Policy 1.10: The public safety program shall provide for a response plan that strives to reduce life and property losses through technology, education, training, facilities and equipment.
- Policy 1.11: The public safety system shall provide standards and level of service guidelines that assure a quality of life and protection of life and property from preventable losses.
- Policy 1.14: Where development creates the need for new public safety services and/or equipment, that development shall be responsible for the cost of such services/equipment.
- Policy 1.16: The City and its service districts and agencies shall maintain adequate levels of staffing, materials and equipment to assure timely response to demands for public safety measures.

Recreation Element

GOAL 1: The maintenance of the open space resources in the planning area will continue to be emphasized.

- Policy 1.2: Consider the enactment of a “Quimby Ordinance” to ensure that new residential development is provided with open space/recreational amenities. In addition, explore all other available funding resources and alternatives for acquisition and development of parking and open space lands.
- Policy 1.3: Enforce local laws regarding the vandalism of park property and incorporate citizen involvement into the program through the “neighborhood watch” programs and other community efforts.
- Policy 1.5: Provide a minimum of 15 acres of local recreational area for each 1,000 populations for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards

3.11 Public Services and Recreation

established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.

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

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

Policy 1.9: Develop parks in conjunction with schools wherever possible and encourage joint use of facilities.

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

GOAL 4: A City-wide system of parks which combine established standards and community desires shall be established and maintained.

Policy 4.3: Neighborhood parks should be accessible by pedestrians living in the immediate area.

Land Use Element

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

Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services.

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

Encinitas North 101 Corridor Specific Plan (N101SP)

The City's General Plan identifies the Encinitas North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for

the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

2.2.5 RECREATION/OPEN SPACE

- A. Provide more parks and open space.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact if the project results in the need for new or physically altered governmental facilities, in order to maintain acceptable service ratios, response times or other performance objectives, the construction of which could cause significant environmental impacts for any of the public services:

- Fire protection
- Police protection
- Schools
- Other public facilities

Additionally, the proposed project would result in significant impacts related to parks and recreation if it would:

1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

PROJECT IMPACTS AND MITIGATION

FIRE PROTECTION

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 1.5 mile southwest of the project site. If additional services are required in the event of an emergency, services may be provided from other fire stations operated by the City or other jurisdictions, as needed.

As stated in Section 4.3, Population and Housing, of this EIR, the proposed project would allow for future construction of 94 residences. San Diego Association of Governments (SANDAG) has estimated an average of 2.51 persons per household in 2020 for the City with an approximate population of 63,158 residents in 2018 (SANDAG 2010). Therefore, the proposed project would result in the addition of 236 people (2.51 x 94 residences), which is equivalent to a less than 1 percent increase in the City's population.

The National Fire Protection Association Standard 1710, recommends that, to treat medical patients and control small fires, the first response unit should arrive within 6 minutes, 20 seconds from the receipt of a 9-1-1 call for 90 percent of the calls. In 2019, the Fire Department responded to 6,800 calls involving fire and medical emergencies, including structure fires, vegetation fires, vehicle fires, and medical aids. Based on a population of 63,158 residents, the call volume represents approximately 1 call per 9.29 residents (63,158 residents/6,800 calls) (City of Encinitas 2020a).

According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map (Cal Fire 2009), the project site is not located in a zone designated as Very High Fire Hazard Severity. As such, implementation of the project would not exacerbate wildfire risk. Refer to Section 4.4, Wildfire.

Vehicular access to the site would be provided via a ~~right turn in from the southbound lane of North Coast Highway 101~~ and via a left turn in from the northbound lane of proposed roundabout to be constructed within the North Coast Highway 101 right-of-way, adjacent to the project site. The roundabout would provide connection to the proposed on-site access drive that would lead into the site and provide adequate ingress/egress. ~~Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress.~~ Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project

would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

The addition of 236 residents with project implementation would generate approximately 24 annual calls for service (236 residents/1 call per 9.64 residents), the majority of which are expected to be medical-related, and only approximately 1.5 (or 2%) would be fire-related. The proposed project is subject to review by the Fire Department who will determine if the department has adequate capacity to serve the project.

Due to the project site's proximity to existing fire stations and the existing service level maintained by the Encinitas Fire Department and because the proposed project would meet all access, water, and protection system requirements, per the California Building Code and the California Fire Code as well as all other applicable City codes, the proposed project would receive adequate Fire Department services in the event of an emergency.

Additionally, Title 23 of the City's Municipal Code requires the payment of fire service mitigation fees as a condition of discretionary projects. Fees are determined by the Fire Chief and, once collected, are used to provide capital facilities and equipment for fire prevention and control, to include station construction, station expansion, and fire apparatus acquisition (Municipal Code Section 23.92.040). The project developer would be required to make payment of such fees prior to issuance of a building permit to reduce potential effects on the City's ability to provide adequate fire protection services.

Therefore, the proposed project would not result in a need for expanded or newly constructed facilities, the construction of which could cause significant environmental impacts. Impacts associated with fire protection services would be **less than significant**. For more information on potential wildfire effects, see Section 4.0, Effects Found Not to be Significant, Subsection 4.4 Wildland Fires; and Section 3.7, Hazards and Hazardous Materials.

Mitigation Measures: None required.

Level of Significance: Less than significant.

3.11 Public Services and Recreation

LAW ENFORCEMENT

Impact 3.11-2 The project would not result in substantial adverse physical impacts to police protection services due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.

Law enforcement services would be provided by the San Diego County Sheriff’s Department from its North Coastal Station. The station is located at 175 North El Camino Real, approximately 3.5 miles southeast of the subject property. The station currently has adequate resources to respond to emergencies at the project site.

According to the Program EIR (PEIR) for At Home Encinitas, the City of Encinitas Housing Element Update, response time averages for the 2013–2014 fiscal year were as follows: Priority 1 - 6.0 minutes; Priority 2 - 10.9 minutes; Priority 3 - 16.1 minutes; and Priority 4 - 45.8 minutes (City of Encinitas 2016b). The PEIR further states that the Sheriff’s Department has no current plans to increase staffing levels or construct new facilities in the City. Furthermore, according to the N101SP, current service levels providing six 24-hour units per 10,000 residents exceed the City’s goal of one 24-hour deputy per 10,000 residents (City of Encinitas 1997).

Based on proximity to existing sheriff stations and the current service levels maintained by the Sheriff’s Department, and because the proposed project would not result in a substantial delay in travel time along local roadways (see [Appendix L-2](#)), the proposed project is not expected to adversely affect the level of law enforcement protection or response times from the North Coastal Station and would not require the additional hiring of sheriff’s department staff.

Implementation of the proposed project would not result in the need to construct any new law enforcement facilities or physically alter an existing law enforcement facility. Therefore, the proposed project would have a **less than significant** impact on law enforcement services.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SCHOOLS

Impact 3.11-3 The project would not result in substantial adverse physical impacts to schools due to the provision of new or physically altered governmental facilities. Impacts would be less than significant.

The project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Paul Ecke Central Elementary School, Diegueño Middle School, and La Costa Canyon High School. The EUSD and SDUHSD have used different student generation numbers for

different projects. EUSD has used numbers ranging from 0.20 students/household up to 0.41 students/housing. SDUHSD has used numbers from 0.174 students per household to 0.3 students per household. This is often due to different sized homes which are expected to generate different numbers of school-aged children. While larger homes are typically expected to generate more students, to be conservative, the analysis for the proposed project assumes a worst-case scenario. Therefore, it is assumed that EUSD uses a generation rate of 0.41 school-aged students (K-6) per residential dwelling unit while the SDUHSD uses a generation rate of 0.3 school-aged students (7-12) per residential dwelling unit. These totals are specific to students attending EUSD and SDUHSD schools, and do not account for students who attend other, non-public schools such as private schools, charter schools, and/or home-schools.

Student generation for each HEU project site was calculated in the HEU Environmental Assessment. Based on maximum unit allocation of 94 units, the proposed project was estimated to generate 39 students at EUSD and 16 students at SDUHSD. Since the project site would be developed with 94 units, the proposed project is estimated to generate approximately 55¹ additional students as shown in Table 3.11-2, Estimated Student Generation.

Table 3.11-2 Estimated Student Generation

District	Student Generation Rate	Units	Estimated Students
EUSD	0.41/unit	94	39
SDUHSD	0.174/unit	94	16
Total Students			55

Source: City of Encinitas 2018

Table 3.11-3, School Capacity, provides the student capacity for each school relevant school to the proposed project. EUSD (Paul Ecke Central Elementary School) has a future enrollment capacity of 48 students while SDUHSD (Diegueño Middle School and La Costa Canyon High School) has a future enrollment capacity of 1,605. Given the project’s estimated student generation provided in Table 3.11-3, the EUSD and SDUHSD has sufficient capacity to accommodate the estimated students from the proposed project.

¹. 94 residences*0.41 = 39 additional EUSD students; 94 residences*0.174= 16 additional SDUHSD students.

3.11 Public Services and Recreation

Table 3.11-3 School Capacity

School	School District	2017/18 Enrollment	Total Maximum Enrollment Capacity	Future Enrollment Capacity
Paul Ecke Central Elementary School	EUSD	646	694	48
EUSD Subtotal				48
Diegueño Middle School	SDUHSD	897	1,335	438
La Costa Canyon High School	SDUHSD	1833	3,000	1,167
SDUHSD Subtotal				1,605
Total				1,653

Source: City of Encinitas 2018a

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of the FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in the HEU, the EUSD will take into account the project’s estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

All residential development is required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City’s Development Services Department to offset the impacts of additional residential development on school facilities. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time and; thus, considered speculative for purposes of evaluating future impacts of school construction projects.

For instance, the District may also consider revising enrollment boundaries rather than expand existing school sites or construct a new school. The district, upon a proposed capital project, would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute. Therefore, based on the existing capacity and anticipated student generation of the proposed project, along with the payment of mandatory development fees, impacts on schools would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

PARKS AND RECREATION

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 2020c). The project site is located along the North Coast Highway 101 corridor which, from certain vantage points, offers views to the north along the coastline and west to the Pacific Ocean. The Pacific Ocean lies approximately 0.14 mile to the west of the site.

As part of the project, a pedestrian bridge would be constructed at the north end of the project site to connect the proposed 3034-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The pedestrian bridge would be open to the public. The pedestrian bridge would provide an alternative access point to the beach, which would relieve existing pedestrian traffic.

An increase in the use of existing parks and recreational facilities typically results from an increase in housing or population in an area. As shown in Table 4.4-1 in Section 4.4, Population and Housing, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 236 people (2.51 x 94 residential units). Therefore, the proposed project would represent approximately a less than one percent increase to the 2020 population and a less than one percent of the 2050 population (City of Encinitas 2019b).

As stated under Recreation Element Policy 1.5 in the Encinitas General Plan, the City's goal is to provide a minimum of 15 acres of local recreational area per 1,000 residents, devoted to neighborhood and other local recreational facilities, community parks, and passive open space in undeveloped preserves (City of Encinitas 1991).

Based on the estimated 2020 population, the City would need to provide approximately 947 acres of parks/open space to meet the adopted General Plan goal. As stated above, the City maintains approximately 1,643.2 acres of parks, beaches, and open space (see Table 3.11-2, Existing Parks, Beaches, and Open Space), which would meet the needs for all residents under current population estimates (City of Encinitas 2016e). As shown in Table 3.11-4, Available Parkland and

3.11 Public Services and Recreation

Demand, the City would maintain a parkland surplus of approximately 697 acres with the proposed project’s increase in park demand (946 acres).²

Table 3.11-4 Available Parkland and Demand

Residential Population	Parkland Demand (acres)	Parkland Provided (acres)	Surplus (Deficit) (acres)
Existing			
62,829 ¹	942.44	1,643.2	+700.76
With Proposed Project			
63,065 ²	946	1,643.2	+697.2

Source: City of Encinitas 2016a.

¹ Population projection is based on the projected 2020 population in the 2013 - 2021 Housing Element Update.

² Population projection is based on the projected 2020 population in the 2013 - 2021 Housing Element Update (62,829) in addition to the proposed project population of 236 residents.

As such, it is not anticipated that the proposed project would result in a significant increase in the use of existing recreational facilities or require the construction of new recreational facilities.

Additionally, the proposed project would include ~~6,5753,450~~ sq. ft. of private open space for tenants and residents as well as ~~33,933~~21,344 sq. ft. of community amenity space. As part of the community open space, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage active and passive recreation, social interaction, and community engagement; refer to Figure 2.0-3, Site Plan, and Figure 2.0-5A, Conceptual Landscape Plan. The proposed pedestrian bridge would also provide access to South Ponto State Beach. Theses uses would provide additional recreational opportunities to the project’s residents. Although the City has adequate existing park space to accommodate the needs of the project’s residential population, the inclusion of the on-site private open space and community amenity space further reduces the demand of off-site parkland in the City.

Further, all residential development in the City, including the proposed project, is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy in order to offset the impacts of increased demand on park and recreational facilities. With the payment of parkland impact fees, project impacts on park and recreational facilities would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

² 63,065 residents (with the proposed project)/1,000 acres = 6,378 *15 acres per resident = 946 acres.

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 ~~235~~ 236 people in the City's population. The City's estimated population in 2020 is 62,829 residents (City of Encinitas 2019b).

The additional public facility use from the anticipated residents would be negligible compared to the utilization of public facilities citywide. According to the N101SP, it is not anticipated that other public services such as hospitals, utilities, and general City administration will be impacted by the provisions or implementation of the plan. Existing library services are provided by the 4,100 square-foot Encinitas Branch of the County Library located at 540 Cornish Drive. Another branch library is located in Cardiff at the Cardiff Towne Center which totals 1,540 square feet. Existing library facilities do not meet County library standards which is calculated as 0.35 gross square feet of library space per person. Based on a 2010 population projection of 65,600, the City of Encinitas will need library facilities totally approximately 22,960 square feet. These additional facilities will be needed to serve the entire City as well as the N101SP area.

All new mixed-use development within the City is subject to a Community/Public Facilities Fee. Given the small number of additional residents and because the project would contribute funds through the City's Community/Public Facilities Fee, the proposed project would not result in substantial adverse physical impacts to other public facilities due to the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

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 4 HEU sites for which development applications are currently being processed.

To be conservative, the cumulative analysis is based on the “worst-case” assumption that all 2019 HEU sites (even those yet to file an application with the City) to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2).

Potential Cumulative Impacts

As determined in Impact 3.11-1, the proposed project would not result in a significant impact to fire protection services as the project would not cause a substantial delay along any local roadway segment or intersection, with development of the site (see also Appendix L-1).

Other cumulative projects would be required to analyze potential effects on local roadways and on emergency response times related to fire protection services on a project-by-project basis. As noted in the 2019 Housing Element Update Environmental Assessment, future development of the HEU sites would not directly or indirectly conflict with City policy or regulation concerning fire protection services because HEU buildout would occur over 20+ years and would be required to comply with applicable General Plan goals and policies.

As with the proposed project, the HEU sites would be required to pay fire mitigation fees as a condition of approval of each individual development project in compliance with Encinitas Municipal Code (EMC) Chapter 23.92. Thus, the proposed project would not contribute to a significant cumulative impact on fire protection services.

Similarly, as the proposed project would not result in substantial delays along local roadways or intersections, the project would not adversely affect law enforcement services or response times (see [Appendix L-1](#)). Other cumulative projects would be required to analyze potential impacts on emergency access and circulation, as well as law enforcement response times, on a project-by-project basis. Future development of the cumulative projects listed in [Table 3.0-1](#) and the HEU sites would not directly or indirectly conflict with City policy or regulation concerning the protection of police protection services because all projects would be required to pay the appropriate law enforcement service mitigation fees as a condition of approval. Therefore, the proposed project would not contribute to a significant cumulative impact on law enforcement services.

As described under Impact 3.11-3, all of the cumulative projects, including the HEU sites, would be required to pay impact fees in compliance with Government Code Section 53080 or Section 65970 and in collaboration with the City's Development Services Department to offset the impacts of additional residential development on school facilities. The 2018 HEU EA determined that SDUHSD would have sufficient capacity to accommodate the estimated student generation from full buildout of the HEU, while EUSD would have a capacity shortfall of approximately 431 students.

As of preparation of this EIR, the EUSD is in the process of preparing a 2020 Facilities Master Plan (FMP) that would analyze existing and future needs of the district for the next 10 to 15 years. There are four primary components of a FMP: educational vision, facilities assessment, demographics review, and financial analysis. The FMP will analyze individual school sites and priorities will be established at both a site-specific level as well as a District-wide level. Although the EUSD is currently analyzing future facility expansion options in the FMP, specifics of any facility expansion are not known at this time, and are therefore considered speculative for purposes of evaluating future impacts of school construction projects. If the District were to propose a school project, they would be required to conduct environmental review under CEQA. Payment of impact fees required of the proposed project are intended to offset those school district project costs and are considered full mitigation by State statute.

Throughout the process, EUSD will collaborate with various stakeholders and use local data to support their analysis (EUSD 2020). As such, the EUSD will use the HEU to plan for adequate school facilities. As the proposed project is included in, and consistent with, the HEU, the EUSD would take into account the project's estimated student generation, as well as those of the other HEU projects, when determining potential expansion to accommodate the increase in students.

Each future project would be required to pay school impact fees. Since payment of fees is considered full and complete mitigation for each development's impacts, a cumulative impact

3.11 Public Services and Recreation

would not occur, and therefore, the proposed project would not contribute to a significant cumulative impact on schools.

As shown in Table 3.11-4, Available Parkland and Demand, the City currently has approximately 697 acres of excess recreational space based on the General Plan requirement of providing 15 acres of parkland per 1,000 population. Other cumulative projects and the HEU sites would increase the population of the City, and therefore, alter the ratio of parkland per population.

Buildout of the 2019 HEU would result in a potential future increase the number of housing units by 1,504 homes, which would generate an associated population increase of approximately 3,775 residents. As such, the demand associated with 3,775 residents is approximately 56.6 acres (1,504 x 15 acres/1,000 population).

Based on the current excess of 697 acres of parkland, the City is anticipated to have the capacity to accommodate future growth without adverse effects on the provision of parkland. Therefore, the City would have an adequate availability of recreational space for the cumulative projects, and the proposed project would not contribute to a significant cumulative impact to parks and recreation.

In summary, with implementation of the proposed project, potential impacts associated with public services and recreational facilities would be less than significant. Development of other cumulative projects in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public or recreational facilities on a project-by-project basis and in accordance with applicable local, state, and federal agency requirements to avoid, reduce, and mitigate substantial increases in demand (and significant impacts) on public services and local and regional recreational amenities.

The proposed project, in combination with the cumulative projects considered, is not anticipated to overburden the respective emergency service providers or other public services such that they are unable to maintain acceptable response times or service levels, or otherwise result in a significant cumulative impact to public services and facilities, or result in a deficiency in service ratios or degradation of existing recreational facilities. As no new facilities would be constructed without being evaluated by the appropriate agency, potential expansion of facilities would not result in an unknown environmental impact. Therefore, cumulative impacts relative to public services and recreation would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

Section 3.12 Transportation

This section describes regulations related to transportation and circulation and the existing transportation systems in the project area, identifies significance criteria for impacts on transportation and circulation, and evaluates potential impacts associated with the proposed project. Discussion in this section is based on the project *Vehicle Miles Traveled Analysis* (~~2020~~2022a; [Appendix L-1](#)) and the *Local Transportation Analysis* (~~2020~~2022b; [Appendix L-2](#)) both prepared by LOS Engineering, Inc. Additional information was obtained from the *City of Encinitas General Plan Circulation Element* (1991). Technical reports were peer reviewed by Michael Baker International and the City of Encinitas.

With implementation of Senate Bill (SB) 743, described below under *Regulatory Framework*, automobile delay, as measured by level of service (LOS), is not considered as a potentially significant effect on the environment. Therefore, in accordance with CEQA, the LOS analysis provided in [Appendix L-2](#) is not addressed in this EIR. The analysis provided in [Appendix L-2](#) will be considered by the City's decision-makers when determining project consistency with the General Plan. These findings pertain to the project's consistency with LOS policies provided in the General Plan's Circulation Element. Pursuant to CEQA, if this EIR is certified by the City's decision-makers, EIR findings pertaining to the LOS policies would not be made.

ENVIRONMENTAL SETTING

Access to the project site is provided from the regional transportation network via Interstate 5 (I-5), Carlsbad Boulevard, La Costa Avenue, and North Coast Highway 101. Descriptions of these roadways are described below:

- *Interstate 5* - Within the project study area, I-5 is a north-south trending freeway located approximately 0.6 miles to the east of the project site. Access from I-5 to the study area is provided from the La Costa Avenue interchange.
- *Carlsbad Boulevard* from Avenida Encinas to La Costa Avenue is generally constructed as a 4-lane divided roadway with two travel lanes in each direction. Bike lanes are provided on both sides of the roadway. There are no sidewalks on this segment. The posted speed limit is 50 miles per hour (mph). This segment of La Costa Avenue is classified as a Coastal Street in the Carlsbad General Plan (City of Carlsbad 2015).
- *La Costa Avenue* from Highway 101 to I-5 is constructed as a 2-lane roadway with 1 travel lane in each direction. Bike lanes are provided on both sides of the roadway. There are no sidewalks on this segment. The posted speed limit is 40 mph. This segment of La Costa Avenue is classified as a 4-lane Collector Roadway in the City of Encinitas Circulation Plan.

3.12 Transportation

- *Highway 101* from the City of Carlsbad limits to La Costa Avenue is constructed as a 4-lane divided roadway. Highway 101 from La Costa Avenue to approximately 600 feet south of La Costa Avenue is generally built as a 4-lane divided roadway with bike lanes in each direction. Highway 101 from approximately 600 feet south of La Costa Avenue to Leucadia Blvd is generally built as a 3-lane divided roadway with 1 northbound lane with adjacent Class II bike lane and 2 southbound lanes with the outside lane having intermittent bike “sharrow” markings (Class III). Parking is generally permitted. The posted speed limit is 35 mph. This segment is classified as a 4-lane Major Roadway on the City of Encinitas Circulation Plan.

The Encinitas Coaster Station, a commuter rail station located on the North County Transit District (NCTD) Coaster commuter rail line, is located approximately 2.5 miles to the southeast at 25 East D Street in the City of Encinitas. The Encinitas Coaster Station is also served by 3 Breeze bus routes. The Carlsbad Poinsettia Station is also located approximately 1.9 miles to the north of the project site and provides access to the Coaster commuter rail line. The San Diego Association of Governments (SANDAG) May 2016 Smart Growth Concept Map identifies a year 2050 rapid transit service line on Coast Highway adjacent to the project site (LOS Engineering 202022a).

The NCTD operates bus stops providing access to the Breeze bus system, which serves the project area, are located adjacent to the project frontage on Highway 101 (southbound bus route) and directly across from the project site on Highway 101 (northbound bus route), thereby providing potential residents and patrons of the project with an affordable means of transportation throughout the City of Encinitas, with available connection to local cities and access to other means of regional transit. Bus Route 101 runs from the Oceanside Transit Center down to the University Town Center in San Diego (La Jolla).

The Highway 101 corridor is utilized by many as a major bike route generally connecting the Cities of Del Mar, Encinitas, Carlsbad and beyond. In the project vicinity, there are currently a northbound Class II bike lane and intermittent bike “sharrow” markings along southbound Highway 101. The City’s Streetscape Improvement Project, which is being implemented along the Highway 101 corridor, will provide bike lanes in both directions along the roadway, including the project frontage. Other roads within the vicinity that offer Class II bike facilities include Carlsbad Boulevard and La Costa Avenue.

The City’s planned pedestrian circulation system consists of connecting sidewalks along roadways as well as public recreational trails. Sidewalks are present along both sides of portions of Highway 101 and La Costa Avenue in the vicinity of the project site. The project site is located within walking/biking distance of a variety of existing shopping and restaurants located along the Highway 101 corridor to the south; 0.07 miles from a trail to the northwest leading to the

shoreline of the Pacific Ocean; and 0.17 miles to the southwest of the Batiquitos Lagoon which provides opportunities for passive and active recreation, including public trails.

REGULATORY FRAMEWORK

Federal

Federal rules and regulations affect the City's traffic and circulation system (i.e., I-5) including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other federal agencies, as appropriate. In addition, the City coordinates with federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

Congestion Management Process

Federal Highway Administration 23 Code of Federal Regulations 450.320 requires that all transportation management areas address congestion management through a process involving an analysis of multimodal metropolitan area-wide strategies that are developed to enhance safety and integrated management of new and existing transportation facilities eligible for federal funding. SANDAG has been designated as having jurisdiction over transportation management areas in the San Diego region.

Regional

Regional Transportation Improvement Program 2018

SANDAG, acting as the MPO and the Regional Transportation Planning Agency (RTPA), is required to adopt a Regional Transportation Improvement Program (RTIP). Transportation projects funded with federal and state sources and the San Diego transportation sales tax program (TransNet) must be included in an approved RTIP. The programming of locally funded projects may be included at the discretion of the agency. SANDAG adopted the 2018 Regional/Federal Transportation Improvement Program (RTIP/FTIP) in September 2018.

The RTIP/FTIP represents a multibillion-dollar, five-year program of major transportation projects (such as proposed highway arterial, transit, and non-motorized projects) funded by federal and state sources, the local San Diego transportation sales tax (TransNet), and other local and private funding covering fiscal year (FY) 2018/2019 to FY 2022/2023.

3.12 Transportation

The 2018 RTIP is a prioritized program designed to implement the region’s overall strategy for providing mobility and improving the efficiency and safety of the transportation system, while reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. The 2018 RTIP also incrementally implements the 2050 Regional Transportation Plan (2050 RTP), the long-range transportation plan for the San Diego region, which was approved by the SANDAG Board of Directors in October 2011. The 2050 RTP is referred to as *San Diego Forward: The Regional Plan* (see discussion below).

2050 Regional Transportation Plan and Sustainable Communities Strategy

Regional Transportation Plans are developed to identify regional transportation goals, objectives, and strategies. Such plans are required to be prepared in conformance with the goals of SB 375 aimed at reducing regional GHG emissions from automobiles and light-duty trucks through changes in land use and transportation development patterns.

SANDAG serves as the Regional Transportation Agency for the Southern California region and is therefore required to adopt and submit an updated RTP to the California Transportation Commission and Caltrans every 4 to 5 years, based on regional air quality attainment status. Working with local governments, SANDAG is required by federal law to prepare and implement an RTP that identifies anticipated regional transportation system needs and prioritizes future transportation projects.

The 2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) provides guidance for investing an estimated \$208 billion in local, state, and federal transportation funds anticipated to be available within the San Diego region over the next three decades. The 2050 RTP plans for a regional transportation system that enhances quality of life, promotes sustainability, and offers varied mobility options for both goods and people. The plan addresses improvements for transit, rail and bus service, express and managed lanes, highways, local streets, bicycling, and walking to achieve an integrated, multimodal transportation system by 2050. In accordance with the requirements of SB 375, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state-mandated levels over upcoming years. The 2050 RTP/SSCS are components of *San Diego Forward: The Regional Plan*, adopted by SANDAG in 2019.

State

Senate Bill 375

SB 375 (codified in the Government Code and the Public Resources Code) took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the greenhouse gas (GHG) reduction goals

established by Assembly Bill (AB) 32. SB 375 requires metropolitan planning organizations (MPO) to incorporate a Sustainable Communities Strategy in their Regional Transportation Plans to achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.

SB 375 required the California Air Resources Board (CARB) to set regional targets for reducing GHG from passenger vehicle use. In 2010, CARB established targets for 2020 and 2035 for each region in California governed by an MPO. SANDAG is the MPO for the San Diego region. The SANDAG target, as set by CARB, is to reduce the region's per capita emissions of greenhouse gases from cars and light trucks by 7 percent by 2020, compared with a 2005 baseline. By 2035, the target is a 13 percent per capita reduction. SB 375 does not require CARB to set targets beyond 2035. Nevertheless, the Regional Plan also includes a 2050 time horizon to integrate the TransNet Program, which has a 2048 time horizon (very close to 2050).

Senate Bill 743

SB 743 was signed into law September 2013 and includes several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development, or TOD). Most notably with regard to transportation and traffic assessments, SB 743 changes the way that transportation impacts are analyzed under CEQA (see Public Resources Code Section 21099). SB 743 required the Governor's Office of Planning and Research to amend the CEQA Guidelines to exclude level of service (LOS) and auto delay when evaluating transportation impacts.

With implementation of SB 743, new criteria have been established to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses). The Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (Guidelines) provided recommendations for updating the state's CEQA Guidelines in response to SB 743 and contained recommendations for a vehicle miles traveled (VMT) analysis methodology in an accompanying Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory).

The Guidelines, including the Technical Advisory, recommended use of automobile VMT per capita as the preferred CEQA transportation metric, along with the elimination of automobile delay/LOS for CEQA purposes statewide. Public Resources Code Section 21099 and CEQA Guideline Section 15064.3 reflect this change. Under Section 21099, automobile delay, as measured by level of service or similar measures of traffic congestion or vehicular capacity, is not considered a significant effect on the environment.

3.12 Transportation

Local

City of Encinitas General Plan

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

Circulation Element

GOAL 1: Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.

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

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

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

Policy 1.15: The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.

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

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

Policy 2.10: Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.

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

Although Policies 1.2 and 1.3 are relevant for planning purposes, these level of service policies rely on measurements used for evaluating automobile delay. Therefore, pursuant to CEQA, these policies are not applicable to the environmental impact analysis in this EIR.

North 101 Corridor Specific Plan (N101SP)

The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. The primary purpose of the N101SP is to address the unique aspects, problems, and opportunities of the North Coast Highway 101 corridor, and to maintain its identity, community character and scale, while fostering revitalization of this commercial corridor. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. The N101SP provides custom-tailored use and development regulations, and sets forth the following goals relevant to the project:

2.2.1 Land Use

G. Encourage outdoor spaces for sidewalk cafes, street vendors, and other pedestrian oriented activities along North Highway 101.

2.3.2 Circulation

- A. Provide for safe pedestrian circulation.
- B. Improve parking opportunities.
- C. Improve vehicular traffic circulation.
- D. Promote and encourage the use of public transportation.

City of Encinitas Bikeway Master Plan

The City includes bicycle facilities along Highway 101 and several major roadways. The North Coast Highway 101 corridor is a highly traveled bicycle corridor through the City of Encinitas and regionally within San Diego County and supports both Class II and Class III bike facilities. Class II

3.12 Transportation

bicycle facilities are currently provided along Carlsbad Boulevard, Leucadia Boulevard, Quail Gardens Drive, Nardo Road, Garden View Road, Via Cantebria, El Camino Real, Rancho Santa Fe Road, Manchester Avenue, La Costa Avenue, Mountain Vista Drive, Encinitas Boulevard, and Santa Fe Drive.

Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan

The City adopted its *Let's Move Encinitas Pedestrian Travel & Safe Routes to School Plan* in March 2015 to address the need for pedestrian travel within the urbanized areas of the City as well as the more rural areas, to plan for safe routes to school, and to provide pedestrian access to the coastal zone. The plan identifies potential improvement locations based on the need for pedestrian facilities and known pedestrian safety issues.

City of Encinitas Active Transportation Plan Administrative Draft April 2018

The City of Encinitas Active Transportation Plan is intended to address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. This plan is intended to be responsive to General Plan changes and to bring the document into conformance with the City's latest Climate Action Plan, complete streets policies, and other local goals and objectives. Objectives identified include establishing biking and walking facility types and identifying connections between the City's bikeway system and the regional system.

The document evaluates the City's existing bikeway facility system and its relationship with other systems, including public transit, and recommends access to transit improvements where appropriate. The plan aims to maximize the efficiencies offered by multi-modal connections between public transit, walkways and bikeway, including providing more convenient walking and bicycling facilities for residents who do not have ready access to motor vehicles, as well as encouraging those with access to motor vehicles to consider biking or walking as viable alternatives to driving.

Encinitas City Council Ordinance 2019-24

Ordinance 2019-24 amended both Title 24 and Title 30 of the Encinitas Municipal Code to provide consistent language for the requirements of Pedestrian and Bicycle Connectivity. Connectivity and circulation between adjacent land uses is reviewed on a project-by-project basis with the objective of maintaining and/or enhancing connectivity and circulation of pedestrian, bicycle, and vehicular transport. Furthermore, the amended Municipal Code is applied to all areas and zones within the City, including when a subdivision is or is not requested as a part of a development application.

North Coast Highway 101 Streetscape Improvement Plan

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

STANDARDS OF SIGNIFICANCE

Methodology

The following provides a summary of the methodology used in the EIR analysis. Additional background information and discussion as to the technical approach are provided in [Appendix L-1](#) of this EIR.

Screening Criteria

Guidance provided by the Institute of Transportation Engineers (ITE) recognizes that small-scale land use projects, which fall below certain screening thresholds, would not have a significant effect on VMT. Projects that are below these thresholds are presumed to be less than significant. Different levels of analysis are therefore recommended by ITE based on the number of average daily trips (ADT) generated by a land use project.

According to ITE's Regional Guidelines for Transportation Impact Studies (TIS) in the San Diego Region (Regional TIS Guidelines), any project that generates fewer than 1,000 ADT if consistent with a City's General Plan, or 500 ADT if inconsistent with a City's General Plan, is not required to conduct a VMT analysis.

Under the ITE Regional TIS Guidelines, projects that generate greater than the minimum allowable ADT threshold (500 ADT or 1,000 ADT), but fewer than 2,400 ADT are required to conduct a VMT analysis using the VMT calculation tool generated by SANDAG. Projects that

3.12 Transportation

generate greater than 2,400 ADT are required to conduct a VMT analysis using the SANDAG Regional Model, regardless of whether or not the project is consistent with the General Plan; refer to [Appendix L-1](#) for additional discussion.

Analysis Metrics

For land use development projects, the ITE Regional TIS Guidelines require the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- *VMT/Capita*: Includes all vehicle-based person trips grouped and summed to the home location of individuals who are drivers or passengers on each trip. This metric includes both home-based and non-homebased trips. The VMT for each home is then summed for all homes in a particular census tract and divided by the population of that census tract to arrive at Resident VMT/Capita.
- *VMT/Employee*: Includes all vehicle-based person trips grouped and summed to the work location of individuals on the trip. This includes all trips, not just work-related trips. The VMT for each work location is then summed for all work locations in a particular census tract and then divided by the total number of employees of that census tract to determine the VMT/Employee.

The CEQA Guidelines specify automobile VMT as the most appropriate CEQA transportation metric, along with the elimination of automobile delay/LOS. However, lead agencies have the discretion to select their preferred significance thresholds with respect to what level of VMT increase would cause a significant environmental impact. Lead agencies have the opportunity to choose the thresholds suggested in the Governor's Office of Planning and Research's (OPR) Technical Advisory or develop alternative thresholds (OPR 2018). The analysis can be conducted by comparing either: 1) the project VMT/capita, or 2) the project VMT/employee to both (1) the San Diego regional average, or (2) the average for the city or community in which the project is located.

Per the Regional TIS Guidelines, if the project average is lower than either 85% of the regional average or 85% of the average for the city or community in which the project is located, the VMT impacts of the project can be presumed less than significant. For residential and employment-based land use developments, a project is considered to have a less than significant transportation related impact if the project VMT/Capita and VMT/Employee is lower than 85% of the regional average or 85% of the average for the area in which the project is located.

Thresholds of Significance

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to transportation if it would:

1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
4. Result in inadequate emergency access.

PROJECT IMPACTS AND MITIGATION

CONFLICT WITH AN APPLICABLE PROGRAM, PLAN, ORDINANCE OR POLICY

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.**

Although the VMT methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate LOS for City streets and intersections. To evaluate project consistency with the City's General Plan Circulation Element, a *Local Transportation Analysis* was prepared for the project (LOS Engineering 2020~~22~~^{22b}; refer to Appendix L-2 for additional discussion. As previously stated, to be consistent with the ~~2020-current~~ CEQA Guidelines, a LOS analysis is not required for purposes of this EIR's impact analysis. However, the LOS analysis provided in Appendix L-2 will be considered by the City's decision-makers when making General Plan consistency findings for the project.

Improvements to Highway 101 are proposed with the project to allow for adequate ingress/egress. Vehicular access to the site would be provided via a ~~right turn in from the southbound lane of Highway 101 and via a left turn in from the northbound lane of proposed roundabout within the Highway 101 right-of-way, near the southern property boundary.~~ Construction of a new left turn lane is proposed to accommodate turning vehicles in order to avoid effects on traffic flows along northbound Highway 101. The roundabout provide connection to the proposed on-site access drive which would lead into the site and provide adequate ingress/egress. The site would be accessed via a new access drive would be constructed as a 2-way, 26-foot wide approximately 30-foot wide driveway having two 13-foot wide lanes;

3.12 Transportation

refer to Figure 2.0-3A, Site Plan, and Figure 2.0-3B, Conceptual Roundabout Plan. All such improvements would be constructed in accordance with required City roadway and access design requirements and would not conflict with the planned improvements to be implemented with the City's Streetscape Improvement Program. Additionally, the project would be subject to payment of the City's Transportation Fees in order to minimize potential effects on the circulation system. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur as a result of the circulation or access improvements proposed with the project.

As stated above, the project area is served by several NCTD facilities providing access to both the local and regional rail transit system. The project does not propose any improvements that would adversely affect operation of or future access to existing NCTD rail facilities within the project vicinity.

Similarly, the project would not conflict with any program, plan, ordinance, or policy addressing the existing bus system serving the project area or the larger community. Temporary disturbance may occur during project construction, thereby potentially restricting access to the existing southbound bus stop located adjacent to the project frontage. However, consistent with City requirements, a Traffic Control Plan would be prepared by the applicant to ensure that public safety and access is maintained during project construction (i.e., temporary relocation of the bus stop to the south within the corridor). As such, the project would not permanently interrupt bus transit services or conflict with any adopted policies, plans, ordinances, or programs intended to enable or enhance such means of transit along Highway 101 or the larger City of Encinitas.

Project construction may also temporarily disrupt use of the ~~southbound~~ bike lanes along the ~~project frontage~~ North Coast Highway 101 in the vicinity of the project site, including along the project frontage. However, it is anticipated that ~~bikers would use the southbound vehicular travel lanes for the length of the project site~~ a temporary bike lane(s) would be located on either side of the roadway as construction activity permits, as needed, and that bicycle travel along the remainder of the corridor would not be otherwise interrupted or eliminated during project construction activities. As stated, a Traffic Control Plan would be prepared by the applicant to ensure that public safety (including for bicyclists) is maintained at all times during project construction. Additionally, the City's Streetscape Improvement Project, which is being implemented along the Highway 101 corridor, would ultimately provide permanent bikes lanes in both direction along Highway 101, including the project frontage. Bike parking is also proposed on-site to encourage residents and visitors to bike to the site instead of driving a vehicle. The project is therefore not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As part of the project, a sidewalk would be constructed/re-constructed along the project frontage to provide multiple pedestrian access points to the project and to provide connection to other area sidewalks (i.e., along ~~northbound-southbound~~ Highway 101 and La Costa Avenue), as well as other area sidewalks that are part of the off-site circulation system. Additionally, an on-site pedestrian connection (“pedestrian bridge”) would be constructed between the project site and the new (off-site) hotel located immediately adjacent to the north. Although pedestrian facilities along the project frontage may be temporarily disrupted during project construction, a Traffic Control Plan would be implemented to ensure that pedestrian circulation is not inhibited and that access to a sidewalk is provided along North Coast Highway 101 in the project vicinity (either on the northbound or southbound side, as appropriate) throughout the construction phase. ~~Additionally, the sidewalk along the northbound Highway 101 would remain open to support such means of transportation.~~ The project is not anticipated to conflict with adopted policies, plans, ordinances, or programs in this regard.

As such, the project does not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, nor would it otherwise decrease the performance or safety of such facilities. Overall, impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CONFLICT WITH CEQA GUIDELINES SECTION 15064.3(B)

Impact 3.12-2 The project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.

The method used to derive and evaluate project VMT is determined based on a project’s trip generation. Trip generation rates for the project were developed utilizing SANDAG’s (*Not So*) *Brief Guide to Vehicular Trip Generation* (SANDAG 2002). Table 3.12-1, Project Trip Generation, provides daily project trip generation for the project. As the project site currently supports active uses that generate traffic, a traffic credit was applied because the existing uses would be replaced by the project. Additionally, the existing uses and project have pass-by trips already on the roadways within the study area considered.

3.12 Transportation

3.12-1 Project Trip Generation

Proposed Project				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	3034	Rooms	340 300
Multi-Family (>20 du/acre)	6/DU	94	DU	564
Specialty Retail/Strip Commercial	40/KSF	8,584	SF	343
Restaurant (sit down; high turnover)	160/KSF	3,905	SF	625
Restaurant (quality)	100/KSF	2,134	SF	213
Office	20/KSF	3,638	SF	73
<i>Project Driveway Trips:</i>				<u>2,118</u> 2,158
Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)				
Specialty Retail (Pass-by = 15% AM, 10% PM):				-52
Restaurant High Turnover (Pass-By = 12% ADT AM, 20% PM):				-75
Restaurant Quality (Pass-By = 12% ADT AM, 10% PM):				-26
Office (Pass-By = 4% ADT, AM & PM)				-3
<i>Project Primary and Diverted Trips:</i>				<u>1,963</u> 2,003
Existing Uses to be Removed				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Restaurant (sit down; high turnover) Roberto's fast food)	160 700/KSF	5,333 1,202	SF	841 853
Specialty Retail/Strip Commercial	40/KSF	2,249	SF	90
<i>Credit for Existing Use Driveway Trips:</i>				<u>943</u> 931
Pass-By Trips per SANDAG rates (Existing trips already on Highway 101)				
Restaurant <u>Fast Food</u> (Pass-By =12% ADT AM, 40% PM):				-101-102
<i>Credit for Existing Use Primary & Diverted Trips:</i>				<u>841</u> 830
<i>Net Change in Primary and Diverted Trips (for analysis primary - credit):</i>				<u>1,173</u>2,173¹

Source: LOS Engineering, Inc., 2022a0 (Appendix L-1).

¹ 2,0034,963 - 830943 = 1,17322 net change in primary and diverted trips

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet
Spreadsheet rounding may result in +1 to the above numbers.

As shown, the project would generate 2,003 ~~1,963~~ ADT. ~~Project~~ Project implementation would ~~also~~ replace the 931 ~~943~~ daily trips associated with the existing on-site commercial operations. With consideration of the trip credit for existing primary uses and diverted trips (830 ADT), and therefore, the project's net increase (above existing) would be 1,173 ~~22~~ ADT (or 2,003 ADT minus 830 ADT).

The project is consistent with the Encinitas General Plan; refer to Section 3.9, Land Use and Planning. However, the project does not fall below the ADT screening threshold of 1,000 ADT. Therefore, a VMT/Capita and VMT/Employee analysis was required to address both the residential and commercial uses proposed.

The project site is located in Census Tract 177.01. [Table 3.12-2](#) below provides the VMT/Capita and VMT/Employee and the percentage by which the VMT for the project location exceeds the regional average.

Table 3.12-2 Project VMT Percentage of Regional Mean and Impact Summary

Metric	Project Location: % of Regional Average	Percent Above/Below 85%	Significant Impact?
VMT/Capita by Census Tract 177.01	117.6 <u>115.7</u> %	32.6 <u>30.7</u> % (above)	Yes
VMT/Capita by City/CPA	115.1 <u>116.8</u> %	30.1 <u>31.8</u> % (above)	Yes
VMT/Employee by Census Tract 177.01	105.0 <u>90.7</u> %	20.0 <u>5.7</u> % (above)	Yes
VMT/Employee by City/CPA	111.3 <u>112.7</u> %	26.3 <u>27.7</u> % (above)	Yes

Source: LOS Engineering, Inc., 2022a (Appendix L-1).

[†]San Diego Region SB743 VMT Maps: SANDAG 2016 – Series 14 (Scenario ID 434).

The San Diego ITE VMT Guidelines use VMT/Capita and VMT/Employee to define a significant transportation impact when a project exceeds a level of 85% of the regional mean. The proposed project is considered to have a significant transportation VMT impact because the individual elements of the project would exceed 85% of the regional mean as follows:

- VMT per Capita (resident) by Census Tract is at 115.7~~117.6~~% of the regional mean
- VMT per Capita (resident) by City/CPA is at 116.8~~115.1~~% of the regional mean
- VMT per Employee by Census Tract is at 90.7~~105.0~~% of the regional mean
- VMT per Employee by City/CPA is at 112.7~~111.3~~% of the regional mean

While the project is located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing; and is consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/Capita and VMT/Employee would still exceed 85% of the regional average.

Additionally, it is worth noting the limitations of the SANDAG model and its inability to capture project features that could reduce the proposed project’s VMT. SANDAG’s Travel Demand Model is built at the regional level, making it limited to capture the nuances of individual project sites, such as benefits of small-scale mixed uses, affordable housing components, or proposed travel demand management measures that would be provided by the project. Nonetheless, the project would have a potentially significant VMT-related transportation impact.

3.12 Transportation

To reduce the VMT/Capita and VMT/Employee associated with the project to a less than significant level, VMT reducing measures would need to be implemented. Therefore, Transportation Demand Management (TDM) strategies would be implemented as potential project mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures are listed under mitigation measure **TR-1** at the end of this threshold discussion. TDM measures proposed for the project include:

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program (www.icommutesd.com) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

SANDAG's Mobility Management VMT Reduction Calculator Tool provides the means to estimate VMT reductions based on a project's design and planned programs. However, the SANDAG calculator tool does not provide measures for all of the proposed TDM strategies. The following TDM and project elements were entered into the SANDAG reduction calculator tool to determine the resulting VMT reduction.

- Voluntary employer commute program. The SANDAG model calculates a 6.2% VMT reduction with the implementation of a Voluntary employer commute program.
- Mixed-Use project. The SANDAG model calculates a 0.2% VMT reduction from pedestrian interaction between the mixed land uses.

The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4% VMT reduction based on the project's proposed voluntary employer commute program and the mixed land uses. The California Air Pollution Control Officers Association (CAPCOA), which provides guidance on how to quantify greenhouse gas mitigation measures, states that the maximum combined allowable VMT reduction is 15% for land development projects located within suburban areas. Therefore, since the VMT associated with the proposed project ~~is 115%~~ above 85% of the ranges from 5.7% to 31.8% above 85% of the regional mean (see Table 3.12-2), the required VMT reduction needed to fully mitigate the VMT impact cannot be achieved. While implementation of the proposed TDM strategies would not reduce the VMT impact to below a

level of significance, they would provide some level of VMT reduction. However, impacts relative to VMT would remain **significant and unavoidable**.

Mitigation Measures:

TR-1 The following Transportation Demand Measures (TDMs) shall be implemented to further reduce potential effects relative to vehicle miles traveled.

- Voluntary employer commute program. Employers to provide information about the SANDAG's iCommute program (www.icommutersd.com) and encourage carpooling.
- Develop and/or promote bicycle usage through a bikeshare program to help reduce vehicle usage and demand for parking by providing users with on-demand access to bikes for short-term rental, contribute to electric bicycle charging stations, contribute to bicycle infrastructure improvements, and disseminate a bicycle riders guide to make it easier for people to bike and walk to work.
- Provide pedestrian improvements, such as a connection to the hotel to the north.
- Provide information about maps, routes, and schedules for public transit.

Level of Significance: Significant and Unavoidable. While the proposed project is located on an infill site; would contain a mixture of uses on-site; includes a suite of project design features to enhance sustainability; would provide for a variety of housing types including "low income" affordable housing units; and is consistent with City's General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**.

3.12 Transportation

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, construction of a roundabout is proposed within the Highway 101 right-of-way, near the southern property boundary; refer to Figure 2.0-3B. ~~minor improvements would be required to provide~~ The roundabout would provide connection to the proposed access drive into the project site from Highway 101 to ensure adequate ingress/egress. ~~A left turn lane would also be constructed adjacent to the northbound lanes to ensure that vehicles turning into the site would not cause queuing within the northbound travel lanes or otherwise adversely affect traffic flows along the roadway; no right turn lane into the site is proposed. Minor~~ Temporary disturbance within the Highway 101 right-of-way ~~may~~ would therefore occur during the project construction phase; however, such activities would be short-term and would cease once construction is completed.

Therefore, the project does not propose any roadway improvements that would result in sharp curves or dangerous intersections either on-site or off-site. Additionally, in conformance with City standards, the project applicant would be required to prepare a Traffic Control Plan to ensure that adequate circulation is maintained during construction and that no hazardous conditions result from such activities.

Incompatible Uses

The proposed mixed-use project would result in construction of a ~~3034~~ 3034-room resort hotel, 94 multi-family units, and 18,261 square feet of commercial/retail space. The site is located in a highly urbanized area and the use of farm equipment or other large maintenance vehicles over the life of the project that would have the potential to affect traffic flows along Highway 101 or other local roadways would not be required. Additionally, the proposed land uses are allowed under the existing General Plan, N101SP, and City Municipal Code, and therefore, are considered by the City to be appropriate uses for the subject site. The proposed land uses are also reflective of similar residential, commercial, and mixed-use development presently found along the corridor, and would therefore not represent a new land use type that would be incompatible with the existing land use setting.

For the reasons above, the project as proposed would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

EMERGENCY ACCESS

Impact 3.12-4 The project would not result in inadequate emergency access. Impacts would be less than significant.

As indicated above, the project ~~site would be accessed via~~ design includes a 2-way, approximately 3026-foot wide driveway having two 13-foot wide lanes, which would be accessed via the proposed roundabout to be constructed within the Highway 101 right-of-way; refer to Figure 2.0-3A, Site Plan. The drive would extend to the west into the site, with one cul-de-sac proposed to extend to the north to provide access to the subterranean parking garage as well as the mixed-use area. The main drive would continue further to the west and then extend to the north to serve the proposed apartment units and the boutique hotel. These internal drives would provide adequate emergency access to all on-site development and would allow for emergency vehicle maneuvering and turnaround.

All project roadway and access improvements would be designed in conformance with City engineering and fire department standards for emergency access and circulation. The proposed project would not alter any established off-site emergency vehicle routes or otherwise interfere with emergency access. A Traffic Control Plan would also be prepared and implemented to ensure that adequate access and circulation is maintained on surrounding streets during the project construction phase. The project would not result in inadequate emergency access. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

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 Tables 3.0-1 and Figure 3.0-1 in Section 3.0 of this EIR. Additionally, to be conservative, the cumulative analysis includes all other 2019 HEU sites presented in Table 3.0-2 to the extent they may contribute to certain issue-specific cumulative effects.

Potential Cumulative Impacts

As indicated above, the proposed project would not contribute to a significant impact resulting from conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, or pedestrian facilities.

Consistency with local and regional bicycle and pedestrian plans, community plans, and other similar plans and policies would be evaluated at a project-specific level to identify conformance requirements with planned systems (i.e., provision of new bike lanes, construction of connecting sidewalks or trails). All cumulative projects would also be required to make payment of the City’s Transportation Fees to ensure that transportation facilities continue to be adequately provided and maintained. As the proposed project was determined to have a less than significant impact in this regard, it is not anticipated that it would contribute to a significant cumulative impact due to a conflict when considered with the cumulative projects.

When using an absolute VMT metric (i.e., total VMT, as recommended for retail and transportation projects), analyzing the combined impacts for a cumulative impact analysis may be appropriate. However, metrics such as VMT/Capita or VMT/Employee (i.e., metrics framed in terms of efficiency, as recommended for use on residential and office projects), cannot be summed because they employ a denominator.

A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less than significant project impact would imply a less than significant cumulative impact, and vice versa (OPR 2018).

According to ITE’s Regional Transportation Impact Study Guidelines, the project does not fall below the ADT screening threshold of 1,000 ADT. As shown in Table 3.12-2, the proposed project

is considered to have a significant transportation VMT impact because the individual elements of the project would exceed 85% of the regional mean for VMT/Capita by Census Tract and by City/CPA and for VMT/Employee by Census Tract and by City/CPA. Although mitigation measure **TR-1** would be implemented to reduce the project's VMT, it would remain above established thresholds, resulting in a significant and unavoidable impact. Therefore, the project would result in a significant and unavoidable transportation impact related to VMT; such impacts are considered to be cumulatively considerable.

The project is consistent with the City's General Plan, Local Coastal Program, N101SP, Zoning, and Housing Element Update, and would not conflict with the RTP/SCS; refer also to EIR [Section 3.5, Energy Conservation and Climate Change](#), for additional discussion. Further, specific TDM strategies are required of the proposed project to reduce VMT impacts to the extent feasible.

According to the OPR Technical Advisory (OPR 2018), increased demand on transit systems throughout a region may cause a cumulative impact by requiring new or additional transit infrastructure. Such impacts may be adequately addressed through a fee program that allocates the cost of improvements not just to projects located near transit, but on a regional level for all projects that may impose a potential burden on the transportation system.

The proposed project would result in the construction of 94 residential apartment units generating an estimated 236 residents, consistent with the HEU. It is not anticipated that the project would therefore create a significant new demand on existing transportation facilities either locally or on a regional level. Further, similar to other cumulative projects considered, the proposed project would be subject to payment of the City's Transportation Impact Fees to ensure that the City's transportation facilities are adequately maintained over the long-term.

All cumulative projects would be evaluated at a project-specific level to identify whether a project has the potential to result in hazardous conditions relative to transportation and circulation. All such projects would be required to demonstrate conformance with the City's roadway and intersection design standards and would be subject to discretionary review to ensure that the potential to contribute to a substantial increase in hazards would not occur. As appropriate, measures would be incorporated to reduce a project's potential to contribute to any such hazardous conditions. The proposed project would be consistent with City design requirements and would not introduce incompatible uses that would increase the risk of hazardous conditions.

All cumulative projects would also be subject to discretionary review to ensure that adequate emergency access is provided during project construction and operation. Such projects would be required to be designed to City roadway and access standards and to consider the potential for development to contribute to adverse effects on the local and/or regional circulation system, including on maintaining emergency access at all times. Measures (i.e., Traffic Control Plan,

3.12 Transportation

design elements) would be implemented as appropriate to ensure that a project does not contribute to a significant impact relative to inadequate emergency access. The project would not have an adverse effect on the provision of adequate emergency access, and all such emergency access and on-site circulation would be designed to meet City standards. The project is therefore not considered to contribute to a significant cumulative impact in this regard.

Based on the reasons discussed above, however, and that project-specific impacts relative to VMT would be significant and unavoidable, even with the incorporation of mitigation measure **TR-1** to reduce project impacts to the extent feasible and other sustainability-related design features, the project would result in a significant cumulative impact related to VMT. This impact is considered to be **cumulatively considerable**.

Mitigation Measures: Implement mitigation measure **TR-1**.

Level of Significance: Impacts would be **cumulatively considerable**.

Section 3.13

Tribal Cultural Resources

This section addresses the project’s potential impacts relative to tribal cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. By statute, “tribal cultural resources,” are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in Public Resources Code (PRC) Section 21074(a)(1)(A)–(B). Tribal cultural resources are generally described as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are further defined in PRC Section 21074(a)(1)(A)–(B).

The analysis in this section is based on the *Technical Memorandum: Phase I Cultural Resources Identification Report* (2021a; [Appendix D-1](#)) and the *Confidential Technical Report: Phase II Archaeological Research, Design, Site Testing, and Evaluation* (2021b; [Appendix D-2](#)), both prepared by Michael Baker International (Michael Baker). Due to the sensitive and confidential nature of cultural resources, portions of the reports have been redacted. The analysis herein is further based on the results of City of Encinitas consultation with the San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California, in accordance with California Assembly Bill (AB) 52 requirements (see [Appendix D-2](#)).

Project impacts to historical and archaeological resources are evaluated in [Section 3.4, Cultural Resources](#), of this EIR.

ENVIRONMENTAL SETTING

The project area spans territories that are attributed ethnographically to the Luiseño in the north and to the Ipai/Kumeyaay (Diegueño) in the south. The boundary on the coast between the two groups has been variously estimated as falling between Agua Hedionda and Batiquitos Lagoons or at Agua Hedionda Lagoon (see [Appendix D-1](#) and [D-2](#)).

Luiseño

The Luiseño are Cupan speakers historically related to the San Luis Rey Band of Mission Indians. The Luiseño spoke a dialect of the Cupan group of the Takic language family. This language was part of the larger Uto-Aztecan language stock which migrated south from the southern San Joaquin Valley or the Great Basin. The Luiseño homeland is present-day Orange and northern San Diego Counties, the region south of the Aliso Creek drainage, east into the Santa Ana Mountains

3.13 Tribal Cultural Resources

and the Temecula Valley, west of the Palomar Mountains and the San Marcos Valley, and south along the coast to the San Marcos Creek drainage. There are six bands of Luiseño people today.

The Luiseño lived in sedentary and independent village groups, each with specific subsistence territories encompassing hunting, food gathering, and fishing areas. Villages were usually located in valley basins, along creeks and streams adjacent to mountain ranges where water was available and where the villages would be protected from environmental conditions and potential enemies. Most inland populations had access to fishing and food gathering sites on the coast. There was some indication of seasonal movement from major villages to smaller camps and hamlets (see [Appendix D-2](#)).

Villages consisted of partially subterranean residential structures made of brush or reeds, ramadas, partially subterranean sweat lodges, and a ceremonial structure (*wámkiš*). The chief at times would consult with an assistant chief, a council of elders, and shamans on matters of religious practices and on environmental conditions affecting village life. Larger villages may have had complex behavioral and political structures due to their territorial size and economic control, while the political complexities of smaller villages were limited by their territorial size (see [Appendix D-2](#)).

The Luiseño, like other coastal Native American tribes, utilized a wide variety of plants and animals. The Luiseño were heavily dependent on acorns as well as other seeds and plants and a variety of large and small game inland and marine mammal, fish, and shellfish along the coast. Acorns encompassed as much 50 percent of the Luiseño diet. Acorns provided a reliable and abundant food source that was high in calories and could be easily stored for future use. Hunting activities were conducted both on an individual basis and/or organized into group activities, depending on seasonal factors and the game hunted. Tool technologies were organized around food collection, storage, and preparation strategies, which was reflected in the type, size, and quantity of food items gathered. Material culture included a variety of ground stone implements (manos, metates, mortar, pestles, etc.), brownware ceramics, basketry, decorative shell objects and jewelry, bone fish hooks, bone tools, and lithic tools (arrow projectile points, drills, scrapers, etc.). The Luiseño traded coastal goods inland to interior tribes.

The Luiseño today occupy some areas of their ancestral homelands, including the Pechanga, Pala, and Soboba Reservations. The six contemporary bands recognized by the US government are the La Jolla, Pala, Pauma, Pechanga, Rincon, and Soboba Bands of Luiseño Indians. A seventh group, the San Luis Rey Band of Mission Indians, is not formally recognized by the US government.

Kumeyaay

The project is adjacent to the traditional boundaries of the Kumeyaay peoples, also referred to as Diegueño. The Kumeyaay spoke the Yuman language family of the Hokan stock. Linguistically, the Kumeyaay were especially distinct from the Yuman speakers west of the Colorado River and the Takic speakers in northern San Diego County. Based on differences in dialects, the Kumeyaay have been divided into two groups: the Ipai to the north and the Tipai to the south. The project area belongs to the territory ascribed to the Ipai (see [Appendix D-2](#)).

Historically, tribal boundaries were not established definitively and were considered to be fluid, due to either sociopolitical features or a lack of reliable data. Generally, the Kumeyaay territory was bound by the San Luis River to the north, the Sand Hills in Imperial County to the east, Todos Santos Bay in Ensenada, Mexico, to the south, and the Pacific Ocean to the west (see [Appendix D-2](#)).

Groups of Kumeyaay lived in semi-permanent settlements, known as rancherías. The Kumeyaay were organized into bands, each an autonomous tribelet with its own clan chief and at least one assistant chief. The position of chief was hereditary. Chiefs dictated ceremonies, directed large communal hunts and harvests, admonished people on behavior, and advised on marriages.

Settlements were chosen based on access to water, good drainage, boulder outcrops or other natural protections from the elements and ambush, and ecological diversity. During seasonal ceremonies and harvesting times, band members would congregate into a large settlement and later disperse into smaller, scattered settlements. A band's seasonal travel followed a vertical pattern, in that bands would move from canyon and valley bottoms to higher mountain slopes depending on the ripening of important plants. Agave was harvested in spring and cactus fruits in June. In summer months, in the mountains, wild seed and fruits ripened; in the inland areas, mesquite pods ripened. The fall was when acorns were harvested and processed. Hunting was done by the men, while women and girls harvested and processed a variety of plant materials. Food was stored for the winter months when bands congregated into larger settlements on the valley and canyon bottoms. The Kumeyaay were master basket weavers and potters (see [Appendix D-2](#)).

Today the Kumeyaay consist of 13 federally recognized tribes: Campo Band of the Kumeyaay Nation, Viejas Band of Kumeyaay Indians, Barona Band of Mission Indians, San Pasqual Band of Indians, Inaja Cosmit Indian Reservation, Capitán Grande Indian Reservation, Santa Ysabel Band of Diegueño Indians (aka Iipay Nation of Santa Ysabel), Ewiiapaayp Band of Kumeyaay Indians (aka Cuyapaipe), Manzanita Indian Reservation, La Posta Indian Reservation, Jamul Indian Village A Kumeyaay Nation, Mesa Grande Indian Reservation, and Sycuan Band of the Kumeyaay Nation. The Sycuan Band is the closest reservation to the project area, located 8.5 miles to the east.

REGULATORY FRAMEWORK

State

Assembly Bill 52

California Assembly Bill (AB) 52 (2014) established a formal consultation process for California tribes in the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change to the significance of a tribal cultural resource would require a lead agency to “begin consultation with a California Native American tribe that is traditional and culturally affiliated with the geographic area of the proposed project.” A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is:

- Listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources;
- Determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1;
- A geographically defined cultural landscape that meets one or more of these criteria; or
- A historical resource described in PRC Section 21084.1, a unique archaeological resource described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria.

AB 52 provides guidance for consultation between California Native American tribes and lead agencies to address potential impacts of development activities on known or unknown tribal cultural resources and to identify appropriate mitigation for such impacts. PRC Section 21074(a) defines tribal cultural resources, indicating that a project having the potential to cause a substantial adverse change to a tribal cultural resource is a project that may have an adverse environmental effect.

Under AB 52, tribes that wish to be notified of projects subject to CEQA are to send a letter to the lead agency making it known they wish to be notified. The City is then obligated to send notifications inviting consultation to the requesting tribe for all subsequent projects subject to CEQA.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (25 U.S. Code 3001 et seq.) was enacted in 2001. Pursuant to the act, federal and State institutions and museums that

receive federal funding and having possession or responsibility for collections of human remains or cultural artifacts are required to return Native American cultural items to their respective peoples. In addition, the act establishes a program of federal grants to assist in the repatriation process and authorizes the Secretary of the Interior to assess civil penalties on museums that fail to comply.

California Health and Safety Code Sections 7050.5, 7051, and 7054

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

Local

City of Encinitas General Plan

Resource Management Element

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

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

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

Policy 7.1: Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development. (Coastal Act/30250)

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

Encinitas North 101 Corridor Specific Plan (N101SP)

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

City of Encinitas Municipal Code

Section 30.34.050, *Cultural/Natural Resources Overlay Zone*, of the City's Municipal Code (Chapter 30.34, Special Purpose Overlay Zones) includes regulations that apply to areas within the Special Study Overlay Zone where site-specific analysis indicates the presence of sensitive cultural, historic, and biological resources, including sensitive habitats. For parcels containing archaeological or historical sites, the Municipal Code requires a site resource survey and impact analysis to determine the significance of, and possible mitigation for, sensitive resources.

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The following thresholds of significance are based on CEQA Guidelines Appendix G. For the purposes of this EIR, the project would be considered to have a significant impact on tribal cultural resources if it would:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PROJECT IMPACTS AND MITIGATION

TRIBAL CULTURAL RESOURCES

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 and that is:**

Listed or eligible for listing in the eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or,

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.

As stated above, the NAHC was contacted to request a search of the Sacred Lands File in September 2020. The record search did not identify any sacred lands within the project boundary (Michael Baker 2021a). However, the absence of specific site information does not necessarily indicate the absence of tribal cultural resources in the project area, as unknown cultural resources may still occur.

The San Luis Rey Band of Mission Indians have requested notification of CEQA projects in the City of Encinitas relative to AB 52. The Tribe has noted that the properties adjacent to the Batiquitos lagoon are within their sphere-of-influence. The project site is located approximately 0.17 mile to the southwest of the lagoon. For the subject project, the Barona Band of Mission Indians and Jamul Indian Village of California requested AB 52 consultation with the City. In April 2020, the City initiated the AB 52 consultation process with three California Native American tribes; San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California. The Barona Band of Mission Indians and Jamul Indian Village of California responded and requested the presence of a Kumeyaay Native American monitor during project construction. The City has acknowledged the Tribes' request and agreed to include the presence of a Kumeyaay traditionally and culturally affiliated (TCA) Native American monitor as a mitigation measure. As of the publication of this EIR, the San Luis Rey Band of Mission Indians did not provide comments in response to participate in the AB 52 process, but subsequently requested to have a

3.13 Tribal Cultural Resources

monitor present and to provide feedback on the required Cultural Resource Mitigation Monitoring Program (see mitigation measure **CR-1** below).

No tribal cultural resources have been identified in the project boundary during site-specific investigations (see Appendix D-1 and D-2). If no tribal cultural resources are identified during the consultation process, a significant impact to known tribal cultural resources would not occur. However, subsurface construction disturbances (e.g., trenching, excavation, grading) associated with the project would have the potential to impact unknown tribal cultural resources.

As noted above, two cultural resources were discovered on-site as a result of the field survey; however, such resources were determined to not be a historical or unique archaeological resource as defined by CEQA Section 15064.5(a) or a unique archaeological resource as defined by PRC Section 21083.2(g) (Michael Baker 2021a; 2021b). The project would not result in a significant impact to either of these resources, and therefore, would not contribute to a loss of significant known cultural, tribal cultural, or historic resources within the region.

Although no significant cultural, tribal cultural, or historic resources are present on-site, in order to ensure proper protection of any unknown resources, should they be encountered during project-related ground disturbance activities, Native American monitoring is required. Monitoring would allow for any discovery of unknown resources to be readily managed in accordance with federal and State law to prevent potential damage (refer to mitigation measure **CR-1** to **CR-3**). With implementation of mitigation measures **CR-1** to **CR-3**, impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures: The mitigation measures for Impact 3.13-1 are the same as mitigation measures **CR-1** to **CR-3**, which were previously described under Impact 3.4-2 of this EIR. Mitigation measures **CR-1** to **CR-3** are repeated in this section for the reader's convenience.

CR-1 Cultural Resources Monitoring Program. A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist and a traditionally and culturally affiliated (TCA) Native American monitor (~~Kumeyaay~~) shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- The qualified archaeologist and TCA Native American monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors.
- The qualified archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing or altering activities, as identified above.
- The qualified archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor, ~~in consultation with the Kumeyaay affiliated tribes~~. Ground disturbing activities shall not resume until the qualified archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.
- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a ~~data recovery~~ Data Recovery Plan is required, then the ~~Kumeyaay affiliated tribes~~ TCA Native American monitor 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.

3.13 Tribal Cultural Resources

- The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the ~~Kumeyaay affiliated tribes~~ TCA Native American Tribe 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.

The geographic scope of the cumulative analysis is the area of any tribe requesting consultation under AB 52. For this project, the cumulative area is the geographic area with which the San Luis Rey Band of Mission Indians, Barona Band of Mission Indians, and Jamul Indian Village of California are traditionally and culturally affiliated.

Cumulative impacts to tribal cultural resources would occur when the impacts of the proposed project, in conjunction with potential cumulative projects listed on [Table 3.0-1](#) and [Figure 3.0-1](#) in [Section 3.0](#) of this EIR and other development projects that would also involve ground disturbance with the traditionally and culturally affiliated area of tribes consulted under AB 52, would result in multiple and/or cumulative impacts to tribal cultural resources.

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

Potential Cumulative Impacts

Urban development that has occurred over past decades in San Diego County has resulted in adverse impacts on innumerable tribal cultural resources. However, the adoption of state and federal laws related to tribal cultural resources, such as AB 52, have provided a mechanism for

3.13 Tribal Cultural Resources

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 significant tribal cultural resources were identified during site-specific cultural resources investigations on the project site, it is possible that subsurface resources are present that have not yet been identified. Although unlikely, Project-related ground-disturbing activities could uncover previously unknown prehistoric or historic, as resources within Project boundaries. Therefore, the proposed Project has the potential to incrementally contribute to the disturbance of previously unknown cultural resources.

The project would implement mitigation measures **CR-1 to CR-3**, which address the discovery and recovery of unknown tribal cultural resources through construction monitoring, identification of potential tribal cultural resources, and evaluation of the significance of a discovery. Such mitigation measures would be implemented to reduce potential impacts from project construction on undiscovered resources, if encountered, to less than significant. Similarly, with conformance to applicable federal, State, and local regulations, combined with the implementation of mitigation, it is anticipated that other cumulative development projects would be adequately addressed and impacts on tribal cultural resources would be reduced to the extent feasible.

Therefore, individual project-level impacts associated with tribal cultural resources would be less than significant with incorporation of mitigation measures **CR-1 to CR-3** and the proposed project and cumulative projects would be subject to conformance with applicable federal, State, and local requirements for the protection of such resources. Therefore, the project's contribution to impacts on tribal cultural resources is considered **less than cumulatively considerable**.

Mitigation Measures: Implement mitigation measures **CR-1 to CR-3**.

Level of Significance: Less than cumulatively considerable.

Section 3.14

Utilities and Service Systems

This section addresses potential utilities and service systems impacts that may result from construction and/or operation of the proposed project. The following discussion addresses the availability of water, wastewater treatment, stormwater, electric power, natural gas, telecommunications facilities, and solid waste facilities in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project implementation, as applicable.

The information and analysis in this section is based on the *Preliminary Sewer Study* (2021a) and *Preliminary Water Demand Calculations* (2021b; [Appendix M-1](#)), prepared by Pasco Laret Suiter & Associates. A *Fire Flow Analysis* was also prepared by the San Dieguito Water District to evaluate the adequacy of existing facilities to serve the project as proposed (SDWD 2021a; [Appendix M-2](#)). Additionally, historic water consumption data for the project site was provided in the *Preliminary Water Supply Summary* by the San Dieguito Water District (SDWD 2021b; [Appendix M-3](#)). Hydrological information was incorporated from the *Preliminary Hydrology Study* prepared by Pasco Laret Suiter & Associates, Inc. (2021c; see [Appendix H](#)).

Information was also incorporated from the *Project Facility Availability Forms (Sewer)*, prepared by the Leucadia Water District (2021; [Appendix N](#)); *Project Facility Availability Form (Water)*, prepared by the San Dieguito Water District (2021c; [Appendix N](#)); *Will Serve Letter*, prepared by San Diego Gas & Electric (2021; [Appendix N](#)); *Project Facility Availability Form*, prepared by the Encinitas Union School District (2021; [Appendix N](#)); and *Project Facility Availability Form*, prepared by the San Dieguito Union High School District (2021; [Appendix N](#)). Analysis in this section also draws upon data in the *City of Encinitas General Plan* (1991). Third party technical reports have been peer-reviewed by Michael Baker International and the City of Encinitas.

ENVIRONMENTAL SETTING

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. The existing uses on-site are currently served by local utilities. Aboveground power poles providing electrical service to the site (and other off-site development) are visible along Highway 101. Refer to [Figure 2.0-2, Aerial Photograph](#).

Water

Public water service to the project site is provided by the San Dieguito Water District (SDWD). The SDWD is a subsidiary of the City of Encinitas and provides both potable and recycled water

3.14 Utilities and Service Systems

to the approximately 38,000 residents in its service area. Approximately 30 percent of SDWD water is from local sources, while the remainder is imported. Potable water is obtained from Lake Hodges runoff; the City also imports raw water from the San Diego County Water Authority. Water from both sources is treated at the R. E. Badger Filtration Plant in Rancho Santa Fe. The City’s recycled water is treated wastewater from the San Elijo Water Pollution Control Facility in Encinitas (SDWD 2016a).

The SDWD implements its *Urban Water Management Plan* (SDWD 2016b) which projects water demand for the SDWD for all water use sectors with the exception of agriculture. Such water demands have been estimated and are assumed to increase proportionally with population growth over time. Table 3.14-1, SDWD Population – Current and Projected, shows the projected population served by the SDWD through the year 2035.

Table 3.14-1 SDWD Population – Current and Projected

Year	2015	2020	2025	2030	2035	Increase (2015-2035)
Population Served	37,200	38,212	38,759	39,306	39,853	2,653

Source: SDWD 2016b.

Water Supply Planning

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions for the SDWD service area were based on the SDWD’s historical water use records. Table 3.14-2, Total Water Demand in Acre-Feet per Year, shows the SDWD’s estimated total water demand within the service area through the year 2035. Table 3.14-3, Normal Year, Single-Dry Year, and Multiple-Dry Years Supply and Demand Comparison in Acre-Feet per Year, provides a comparison of anticipated water supply and demand within the SDWD service area for the normal year, single-dry year, and multiple-dry years scenarios for the years 2020 to 2035.

Table 3.14-2 Total Water Demand in Acre-Feet per Year

	2020	2025	2030	2035
Potable and Raw Water	6,829	6,868	6,910	6,953
Recycled Water Demand	730	750	750	750
Total Water Demand	7,559	7,618	7,660	7,703

Source: SDWD 2016b.

**Table 3.14-3 Normal Year, Single-Dry Year, and Multiple-Dry Years
 Supply and Demand Comparison in Acre-Feet per Year**

		2020	2025	2030	2035
Normal Year	Supply totals	7,692	7,752	7,795	7,838
	Demand totals	7,559	7,618	7,660	7,703
	<i>Difference</i>	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
	<i>Difference</i>	0	0	0	0
Multiple-Dry Year (1 st Year)	Supply totals	7,076	7,131	7,170	7,210
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	575	579	582	585
Multiple-Dry Year (2 nd Year)	Supply totals	7,225	7,281	7,322	7,362
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	724	730	734	738
Multiple-Dry Year (3 rd Year)	Supply totals	6,815	6,868	6,906	6,944
	Demand totals	6,501	6,552	6,588	6,624
	<i>Difference</i>	315	317	318	320

Source: SDWD 2016b.

According to SDWD’s UWMP, single-dry and multiple-dry year conditions were based on the SDWD’s historical water use records. The SDWD anticipates no reduction of local water supplies for a single- or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase additional water from San Diego County Water Authority (SDCWA) and utilize its carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, “additional regional shortage management measures, consistent with the Water Authority’s Water Shortage and Drought Response Plan, will be taken to fill the supply shortage.” As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016b). As shown in [Table 3.14-3](#), anticipated SDWD water supplies would be adequate during the normal, single-dry, and multiple-dry year scenarios.

Wastewater

Sewer service for the project would be provided by the Leucadia Wastewater District (LWD). LWD is one of six member agencies of the Encina Wastewater Authority (EWA) (a joint powers

3.14 Utilities and Service Systems

authority) operating a regional wastewater treatment and disposal facility in Carlsbad (EWA n.d.). Wastewater conveyed through the district's sewer mains and pump stations is ultimately pumped to the EWA's Water Pollution Control Facility located in the City of Carlsbad. The LWD has provided a *Project Facility Availability Form* indicating that it can adequately provide sewer service for the project (LWD 2021).

LWD has several existing sewer facilities in the vicinity of the proposed project. According to the *Preliminary Sewer Study* prepared for the project (Pasco Laret Suiter & Associates 2021a), existing flows from the project site flow into the 8-inch sewer line located within the Highway 101 right-of-way. The sewer line flows north to south parallel to the right-of-way line and begins at a terminal manhole located at the midpoint of the project's right-of-way. From the terminal manhole, sewage flows travel south approximately 395 feet to a second existing manhole at the southeast corner of the project site. Flows then continue to travel to the south approximately 92 feet to a third existing manhole where additional flow from two other 8-inch diameter pipes combine and outlet into a 10-inch diameter pipe towards the east and into Highway 101 ([Appendix M-1](#)).

Stormwater Facilities

According to the *Preliminary Hydrology Study* prepared for the proposed project (Pasco Laret Suiter & Associates, Inc. 2021c), storm water runoff from the site generally flows overland and in onsite storm drain easterly to North Coast Highway 101. There is off-site run-on from the hillside along the westerly and southerly boundaries. An existing high point in North Coast Highway 101 is located approximately at the midpoint of the property's easterly boundary. Surface runoff from the property that enters the right-of-way north of the high point will continue to surface flow northerly and enters the public storm drain system within the La Costa Avenue and North Coast Highway 101 intersection. The storm drain system then conveys captured flows to the east side Carlsbad Boulevard into the Batiquitos Lagoon and ultimately the Pacific Ocean. Surface runoff from the property that enters the right-of-way south of the high point will surface flow southerly and enters a separate public storm drain system that conveys captured flow northerly to an extended detention basin located on the west side of Carlsbad Boulevard which discharges to Batiquitos Lagoon and ultimately the Pacific Ocean. The on-site storm drain connects to the public storm drain located on the west side of North Coast Highway 101 which also drains to the extended detention basin on the west side of Carlsbad Boulevard which discharges to Batiquitos Lagoon and ultimately the Pacific Ocean.

Electricity

San Diego Gas and Electric (SDGE) currently provides electrical services to the project site. As stated above, electrical poles providing electrical service to the project site are visible along adjacent roadways.

Natural Gas

San Diego Gas and Electric (SDGE) currently provides natural gas services to the project site.

Telecommunications Facilities

Telecommunications facilities are not currently provided on the project site. The major service providers that serve the City and their coverages are listed below (Broadband Now 2021):

- AT&T Internet - 99.7% Availability
- Cox - 68.2% Availability
- Spectrum - 63.5% Availability
- Viasat – 100.0% Availability
- HughesNet – 100.0% Availability
- Xfinity – 2.4% Availability

Solid Waste Disposal

The City has an exclusive franchise agreement with EDCO Waste and Recycling Services (EDCO) to provide solid waste collection services in Encinitas for both residential and commercial customers. EDCO is the only authorized company that can haul solid waste in the City. Residential trash service includes curbside green waste collection and recyclable materials (mixed paper, glass, plastic, and aluminum cans) collection at no additional charge.

EDCO transports the collected solid waste to a transfer center which then takes it to either the Sycamore Landfill in Santee or the Otay Landfill in Chula Vista for disposal. The Otay Landfill has a maximum permitted capacity of 61.15 million cubic yards and a remaining capacity of 21.19 million cubic yards. The Otay Landfill has a cease operation date of February 28, 2030 (CalRecycle 2019a). The Sycamore Landfill has a maximum permitted capacity of 147.9 million cubic yards and has a remaining capacity of 113.97 million cubic yards. The Sycamore Landfill has a cease operation date of December 31, 2042 (CalRecycle 2019b).

REGULATORY FRAMEWORK

Federal

Safe Drinking Water Act

Passed in 1974 and amended in 1986 and 1996, the Safe Drinking Water Act grants the Environmental Protection Agency (EPA) the authority to set drinking water standards. Drinking water standards apply to public water systems that provide water for human consumption through at least 15 service connections or regularly serve at least 25 individuals. There are two categories of drinking water standards: National Primary Drinking Water Regulations and National Secondary Drinking Water Regulations. The National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. These standards protect drinking water quality by limiting the levels of specific contaminants that can adversely affect public health and are known or anticipated to occur in water. The National Secondary Drinking Water Regulations are nonmandatory guidelines for certain substances that do not present a risk to public health.

State

Safe Water Drinking Act

Similar to the federal act, California implements the state's Safe Drinking Water Act (Health and Safety Code Section 116270 et seq.) to ensure public health and safety relative to clean drinking water. Under this act, the California Department of Public Health has the authority to protect public drinking water by adopting contaminant levels not to be exceeded in potable water supplies. Such thresholds are equal to or more stringent than those established at the federal level under the EPA.

State Water Resources Control Board

Created by the California legislature in 1967, the five-member State Water Resources Control Board (SWRCB) allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards (RWQCBs) located in the major watersheds of the State. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters. The SWRCB is responsible for implementing the Clean Water Act and issues National Pollutant Discharge Elimination System (NPDES) permits to cities and counties through the RWQCBs. The project site lies within the jurisdiction of the San Diego RWQCB (Region 9).

California Urban Water Management Planning Act

In 1983, the State Legislature enacted the Urban Water Management Planning Act (California Water Code Sections 10610–10656), which requires specified urban water suppliers in the State to prepare an UWMP and update it every 5 years. State and local agencies and the public frequently use such plans to determine if agencies are planning adequately to reliably meet water demand in various service areas. As such, the plans serve as an important element in documenting water supply availability and reliability for compliance with state laws, including Senate Bill (SB) 610 and SB 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare such plans, pursuant to the Urban Water Management Planning Act, to be eligible for State funding and drought assistance.

Every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 urban connections is required to assess the reliability of its water sources over a 20-year planning horizon. Each supplier must report its progress on a 20 percent reduction in per capita urban water consumption by the year 2020, as required in the Water Conservation Act of 2009 (SB X7-7).

The State's urban water suppliers prepare UWMPs to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands. The UWMPs include information on water usage, water supply sources, and water reliability planning. They also may provide implementation schedules to meet projected demands over a planning horizon, a description of opportunities for new development of desalinated water, groundwater information (where groundwater is identified as an existing or planned water source), a description of water quality over the planning horizon, and identification of water management tools that maximize local resources and minimize imported water supplies. A UWMP's water supply analysis includes a water supply reliability assessment, water shortage contingency plan, and development of a plan in case of an interruption in water supply.

The plans must be prepared every 5 years and submitted to the California Department of Water Resources (DWR). DWR staff then reviews the submitted plans to make sure they have completed the requirements identified in the Water Code, then submits a report to the State Legislature summarizing the status of the plans.

Senate Bill 221

Enacted in 2001, SB 221 (Government Code Sections 66455.3 and 66473.7) requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply.

3.14 Utilities and Service Systems

The term *sufficient water supply* is defined in SB 221 as the total water supplies available during normal, single dry, and multiple dry water years within a 20-year projection that would meet the projected demand associated with a proposed subdivision. The definition also includes the requirement that sufficient water encompass not only the project but also existing and planned future uses, including, but not limited to, agricultural and industrial uses.

California Water Recycling Standards

The State Legislature has developed requirements for the production, discharge, distribution, and use of recycled water. These requirements are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3, Reclamation Criteria, Sections 60301 through 60475, and Title 17. The California Department of Public Health administers the state recycling water standards.

California Integrated Waste Management Act

Assembly Bill (AB) 939 established the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 42900–42927) which required all California cities and counties to reduce the volume of solid waste deposited in landfills by 50 percent by the year 2000. It also requires that cities and counties continue to remain at 50 percent or higher for each subsequent year. The act is intended to reduce, recycle, and reuse solid waste generated to the maximum extent feasible.

The act requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the act's mandated diversion goals. Each jurisdiction's SRRE must include specific components as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction consistent with the following hierarchy: (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. The SRRE is required to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste to be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302).

California Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Commonly referred to as the CALGreen Code, Title 24, Part 11 standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource

efficiency, and environmental quality. Title 24 also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics.

The 2019 Title 24 standards became effective January 1, 2020. The standards require that all low-rise residential buildings shall have a photovoltaic system meeting the minimum qualification requirements such that annual electrical output is equal to or greater than the dwelling's annual electrical usage. Notably, net energy metering rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis.

The CALGreen standards also include voluntary efficiency measures that are provided at two separate tiers and implemented at the discretion of local agencies and applicants. CALGreen's Tier 1 standards call for a 15 percent improvement in energy requirements, stricter water conservation, 10 percent recycled content in building materials, 20 percent permeable paving, 20 percent cement reduction, and cool/solar-reflective roofs. CALGreen's more rigorous Tier 2 standards call for a 30 percent improvement in energy requirements, stricter water conservation, 75 percent diversion of construction and demolition waste, 15 percent recycled content in building materials, 30 percent permeable paving, 25 percent cement reduction, and cool/solar-reflective roofs.

Assembly Bill (AB) 827 Commercial and Organic Waste Recycling Bins

Effective July 1, 2020, AB 827 requires that food establishments that provide trash containers for products purchased and consumed on the premises to also provide properly labeled containers for recyclables and organic waste (food waste). These containers must be placed adjacent to trash containers. The new law applies to limited-service restaurants such as those restaurants where customers order and pay at the counter and bus their own tables after eating. The law will affect restaurants, malls, and other businesses that serve food. Full-service food establishments that do not provide access to trash containers for products consumed on the premises will be exempt.

Senate Bill (SB) 1383

SB 1382 required the State board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also established specified targets for reducing organic waste (i.e., food waste) in landfills, and identifies the goal that not less than 20 percent of edible food currently disposed of is recovered for human consumption by 2025.

3.14 Utilities and Service Systems

The City's Climate Action Plan (see additional discussion below) addresses the requirements of SB 1383 through the goal of diverting solid waste to reduce waste disposal from community residents and businesses. As part of achieving its Goal 6.1, Divert Solid Waste, the CAP identifies such measures as implementing a Zero Waste Program to support regional efforts to plan for and develop residential and commercial food scrap composting programs; facilitating the establishment of fully-permitted community appropriate compost facilities within the City; continuing Zero Waste programs at local schools; establishing an edible food recovery program; and providing outreach and education to generators. Additional measures include developing education outreach materials for textile recycling; expanding recycling requirements at City permitted events and activities; supporting product stewardship and extended producer responsibility initiatives; expanding outreach and education on the City's Construction and Debris Ordinance.

Local**City of Encinitas Climate Action Plan (CAP)**

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

To achieve these objectives, the CAP identifies a summary of baseline GHG emissions and the potential growth of these emissions over time; the expected climate change effects on the City; GHG emissions reduction targets and goals to reduce the community's contribution to global warming; and identification of strategies, specific actions, and supporting measures to comply with statewide GHG reduction targets and goals, along with strategies to help the community adapt to climate change impacts.

As part of the CAP implementation, each strategy, action, and supporting measure will be continually assessed and monitored. Reporting on the status of implementation of these strategies, periodic updates to the GHG emissions inventory, and other monitoring activities will help ensure that the CAP is making progress. It should be noted that as of this time, the City has not adopted implementing ordinances for the CAP. Therefore, strategies requiring the City to

adopt ordinances to implement are not applicable to the project. The following strategies are applicable to the project:

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

City of Encinitas General Plan and Certified Local Coastal Program

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

The California Coastal Act (Public Resources Code Section 30000 et seq.) is intended to protect the natural and scenic resources of the Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare an) for those areas of the Coastal Zone within its jurisdiction. The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan also serves as Local Coastal Plan (LCP) Land Use Plan for the City. Goals and policies relevant to the adequate provision of utilities and service systems are listed below.

Land Use Element

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development.

GOAL 4a: The City of Encinitas will ensure that the rate of residential growth does not create a demand which exceeds the capability of available services and facilities.

Housing Element Update 2019

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

3.14 Utilities and Service Systems

and quantity of the housing supply in the City. The HEU includes the 2013-2021 Housing Element Update and a series of discretionary actions to update and implement the City's Housing Element.

Relevant policies related to utilities and service systems are provided below:

Policy 2.2: Continue to assess development fees on new residential units adequate to pay for all related local and regional impacts on public facilities.

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

Encinitas North 101 Corridor Specific Plan

The City's General Plan identifies the North 101 Corridor Specific Plan (N101SP) due to the unique character, problems, and opportunities that the North Highway 101 corridor exhibits. The N101SP addresses such issues, with the goal of maintaining the identity, community character, and scale of the corridor, while enhancing future opportunities for redevelopment and revitalization along North Highway 101. The N101SP provides goals, policies, and provisions for the beach-side commercial corridor within the Leucadia community. Primary goals of the N101SP are to maintain the unique and desirable aspects of the Specific Plan area, while providing continued private land use and investment, public improvements, and the economic success of the Specific Plan area. Relevant goals of the N101SP include:

2.2.4 Infrastructure and Public Safety

- A. Eliminate flooding and improve drainage.
- B. Underground utilities and provide more lighting.

Integrated Regional Water Management Program for the San Diego Region

The Integrated Regional Water Management (IRWM) program is a local water resources management approach preferred by the Governor, the California Department of Water Resources, and the State Water Resources Control Board. It is aimed at securing long-term water supply reliability in California by first recognizing the interconnectivity of water supplies and the environment, and then pursuing projects yielding multiple benefits for water supplies, water quality, and natural resources.

The San Diego IRWM program is an interdisciplinary effort by water retailers, wastewater agencies, stormwater and flood managers, watershed groups, the business community, tribes, agriculture, and regulatory agencies to coordinate water resource management efforts and to enable the San Diego region to apply for grants tied to DWR's Integrated Regional Water Management program. The Regional Water Management Group, which is the group responsible

for administering and implementing the San Diego IRWM program, comprises the San Diego County Water Authority, the City of San Diego, and the County of San Diego. A Regional Advisory Committee serves to shape the IRWM program and upcoming planning and funding applications. Additionally, broad stakeholder outreach engages members of the public and other interested parties in the IRWM planning process.

The Integrated Regional Water Management Plan provides a mechanism for (1) coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; (2) identifying specific regional and watershed-based priorities for implementation projects; and (3) providing funding support for the plans, programs, projects, and priorities of existing agencies and stakeholders (San Diego Integrated Regional Water Management Group 2019).

San Dieguito Water District Urban Water Management Plan

The SDWD's UWMP (2016) assesses the existing water system conditions and evaluates future anticipated demands. Water agencies throughout the State are required by the California DWR to prepare UWMPs every 5 years in order to show that adequate water supplies are available to meet existing and future water demands. The current UWMP concluded that the overall system is adequately sized to accommodate future buildout under the adopted City of Encinitas General Plan. An update to the City's current UWMP is planned to be adopted by July 2021.

San Dieguito Water District Water Systems Master Plan

The SDWD's Water System Master Plan (WSMP) (2010) analyzed the distribution system for reliability, water quality, adequacy of fire flow demands, and storage requirements. The WSMP identifies and prioritizes capital improvement projects in the distribution system. The WSMP identified areas for improvement that were then included in the future planning horizon (year 2030) Capital Improvement Program (CIP). The CIP identifies anticipated pipeline system upgrades, valve replacement, meter replacement, and treatment plant upgrades.

City of Encinitas Sewer System Management Plan

The City recently updated the Sewer System Management Plan (2019) which was prepared in response to the State Water Resources Control Board's adoption of Order No. 20016-0003-DWQ, relating to the elimination of sanitary sewer overflows. The plan is required to provide response processes for sewer overflow emergencies and to ensure that adequate facilities exist to support the City's needs. The plan is required to be updated every 5 years.

City of Encinitas Municipal Code Chapter 23.26 – Water Efficient Landscape Regulations

As required by the Water Conservation in Landscaping Act, the City adopted a landscape water conservation ordinance. Pursuant to the act, this ordinance establishes water use standards for landscaping. Specifically, the requirements of this chapter of the Municipal Code reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping and by designing, installing, and maintaining water-efficient landscapes consistent with the water allowance. A project that is subject to this chapter is required to use recycled water for irrigation. Per State law, an updated Municipal Water Efficient Landscape Ordinance was adopted by the City in 2016.

STANDARDS OF SIGNIFICANCE***Thresholds of Significance***

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact related to utilities and service systems if the project would:

1. Require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
3. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
5. Not comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

PROJECT IMPACTS AND MITIGATION

UTILITY FACILITIES

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 utility improvements would include connections to the public water system. To serve the proposed development, five separate connections to an existing 12-inch water line located in Highway 101 are proposed; refer to [Figure 2.0-6, Preliminary Utility Plan](#). A new water line would also be constructed from its connection with the existing 12-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use. No off-site water system improvements would be necessary to serve the project.

All water lines would be sized to meet the anticipated fire flow requirements for the project. All on-site fire hydrants (four new on-site hydrants are proposed), on-site fire service pipelines, and building fire sprinkler laterals would be connected to the existing 12-inch water line in Highway 101; refer to [Figure 2.0-6, Preliminary Utility Plan](#). Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR (i.e., noise, transportation, etc.).

The project site is served by two individual water meters serving 1900 and 1950 N. Coast Highway 101. Historical data obtained from these meters from the years 1997 to 2020 indicates that average daily onsite water use totaled 1,047 gallons per day (gpd) for the 1900 N. Coast Highway property and 1,219 gpd for the 1950 N. Coast Highway property, as shown in [Table 3.14-4, Historical Water Use](#).

The former restaurant use on the property located at 1950 N. Coast Highway closed in ~~2017~~2009, and therefore, water use ceased. However, data obtained indicates that limited water use has recently occurred ~~since 2018~~ for this property which is assumed to be associated with ongoing construction of the hotel on lands adjacent to the north of the project site (and under the same ownership as the project).

3.14 Utilities and Service Systems

Table 3.14-4 Historical Water Use

Water Meter	Average Usage (gpd)
050108 (1900 N. Coast Highway 101)	1,047
17558687 (1950 N. Coast Highway 101)	1,219
Total Average Usage	2,266

Notes: Historical use based on the following dates: 1/3/96 to 12/21/20; gpd = gallons per day
Source: SDWD 2021b; see Appendix M-3.

Future water demand on-site would be generated by the proposed 94 for-lease apartments, ~~3034~~ 3034-room boutique resort hotel, and 18,261 square feet (SF) of mixed-use development. As shown in Table 3.14-5, Preliminary Project Water Demand Summary, the projected average water demand for the proposed project is 47,940 gpd; projected maximum daily demand is 81,498 gpd (Appendix M-1).

Table 3.14-5 Preliminary Project Water Demand Summary

Land Use	Quantity	Demand Factor	Projected Water Demand (gpd)
Residential	94 units	450 gpd/unit ¹	42,300
Hotel	0.42 acre	7,000 gpd/acre ¹	2,940
Commercial	0.42 acre	5,000 gpd/acre ¹	2,100
Landscaping	Per Landscape Architect		600
Total			47,940
Max Day Demand Peaking Factor			1.7 ²
Max Daily Demand (MDD)			81,498
Fire Flow Demand			2,500 gpm

Notes: 1. Water Agency Standards (WAS) - Design Guidelines: Section 4.1 (7/28/14)

2. San Dieguito Water District Water System Master Plan: Section 3.5 (June 2010)

gpd = gallons per day; gpm = gallons per minute

Source: Pasco Laret Suiter & Associates 2021b; see Appendix M-1.

Therefore, the proposed project would increase existing water demands onsite from an estimated 2,266 gpd to 47,940 gpd, or an increase of approximately 45,674 gpd. Although an increase in water demand would occur with project implementation, this increase is not considered to be substantial and, as discussed in the SDWD's *Urban Water Management Plan* (2016b), the overall system of the SDWD is adequately sized to accommodate planned buildout under the City's adopted General Plan (City of Encinitas 2016). SDWD anticipated an increase of approximately 2,653 residents between 2015 and 2035.

Site ~~21~~, which comprises the majority of the project site (APNs 216-041-20 and 216-041-21), ~~comprises is 1~~ of 16 sites identified in the City of Encinitas HEU. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed-use with

visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations (City of Encinitas 2019). Site ~~21~~ (APN 216-041-06) was not included in the HEU.

The proposed project would result in approximately 236 new residents, or approximately 8 percent of SDWD's expected population increase (2,653 new residents). The project does not require or propose a change to the existing General Plan designations that apply to the site, and therefore, the project as proposed (~~including on Site 2~~) is consistent with future development anticipated by the City for the subject site.

In addition, SDWD has completed a *Project Facility Availability Form* (SDWD 2021c) which indicates that the district is expected to be able to serve the project as proposed for the next 5 years (see Appendix N). If approved, the project site would also be included within future UWMP updates, ~~(the next update is scheduled for 2021)~~. Further, as part of the project approval process, the project applicant would be required to provide on-site water infrastructure and pay appropriate water system capacity fees. Therefore, since SDWD has indicated that it has facilities to serve the project site for the next 5 years, and the proposed project is consistent with the General Plan and (partially) accounted for in the HEU and the Environmental Assessment, the proposed project would not require, or result in, the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

Additionally, based upon anticipated maximum daily water demands (81,498 gpd), the SDWD provided hydraulic modeling to evaluate the adequacy of existing facilities to provide adequate water supplies, including fire flows to the project as proposed. Two different hydrant pairs were analyzed under a steady-state maximum day demand scenario with District reservoirs at 50% level. Model results were compared against District planning criteria of a total fire flow of 2,500 gpm across the two hydrants at a minimum pressure of 20 pounds per square inch (psi) and with maximum pipe velocity of 15 ft/sec. The results concluded that, with consideration for daily operational water demands generated by the proposed on-site uses, each hydrant pair would still be able to meet the required fire flow requirements of 2,500 gpm at residual pressures of 20 psi and pipe velocities under 15 ft/sec with 8-inch on-site piping (SDWD 2021b; see Appendix M-3). Impacts would be **less than significant**.

Wastewater

Sewer service for the proposed project would be provided by the LWD. As noted above, existing flows from the project site flow into the 8-inch sewer line along the property's right-of-way. To serve the proposed development, two separate connections (known as Segment 1 and 2) to an existing 8-inch sewer line located in Highway 101 are proposed; refer to Figure 2.0-6, Preliminary Utility Plan. A new onsite sewer line would also be constructed from its connection with the

3.14 Utilities and Service Systems

existing 8-inch water line in Highway 101, extending into the western portion of the site to serve the proposed apartment units and then northward to serve the proposed hotel use. Wastewater generated on the project site would be collected by the LWD. Flows from the site would be conveyed to the trunk sewer line located to the east of the site along Highway 101. According to the Preliminary Sewer Study, existing facilities downstream of Segments 1 and 2 were not evaluated because upgrades to trunk sewer lines are the responsibility of LWD (Appendix M-1). However, the proposed project would provide its fair share contribution for any future upgrades through the payment of a required capacity fee.

The existing onsite commercial uses would be demolished with project implementation and removed prior to the construction of Marea Village. In the proposed condition, only sewage flows from the proposed development would enter and flow through the existing 8-inch pipe located along the project’s right-of-way. No sewage from existing onsite uses would continue to flow through the LWD 8-inch pipe. Therefore, only sewage flows generated from the proposed project were considered in evaluating the capacity of existing facilities to serve the project, and a comparison to existing conditions is therefore not provided.

Table 3.14-6 Projected Sewer Flows, summarizes the projected average sewer flows for the project. The projected peak sewer flow for the project is estimated to be 113,703~~112,047~~ gpd or 7978 gallons per minute (gpm) (Appendix M-1).

Table 3.14-6 Projected Sewage Flows

Quantity	Average Flow Factor	Total Average Sewage Flow (gpd)	Total Average Sewage Flow (gpm)	Peak Flow Factor	Peak Sewage Flow
148.9 <u>151.1</u> EDUs ¹	215 gpd/EDU	32,013.5 <u>32,486.5</u> gpd	32,013.5 <u>32,486.5</u> gpd/ 22.2356 gpm	3.5	<u>113,702.8</u> 112,047.25 gpd/ 77.84 <u>78.96</u> gpm

Notes:

¹ Refer to Table 1-2, Land Usage & EDU Factors, in the Preliminary Sewer Study (Appendix M-1) for more information on the EDU values that were calculated based on the project’s land uses. It should be noted that Table 3.14-6, above, has been revised to reflect the addition of four (affordable rate) guest rooms as proposed subsequent to public review of the Draft EIR; refer also to Section 2.0, Project Description.

EDU = equivalent dwelling units; gpd = gallons per day; gpm = gallons per minute

Source: Pasco Laret Suiter & Associates 2021a; see Appendix M-1.

As shown in Table 3.14-7, the existing peak flow is considered to be zero as no sewage from the existing onsite uses would continue to flow through the affected sewer lines following project implementation. The max d/D value (or maximum depth of flow to pipe diameter ratio) for Segments 1 and 2 is 0.28. According to the LWD Asset Management Plan (LWD 2018), the max d/D value for 15-inch pipes or smaller is 0.5. As such, the existing pipes analyzed would have enough capacity to carry the expected sewage flows generated by the proposed project. The

velocity in Segment 1 (1.3 feet/second (ft/s) does not meet the minimum 2 ft/s required per LWD standards. However, given that the velocity for Segment 1 also does not meet the minimum velocity requirement under existing conditions, with the addition of the project's sewage flows the velocity within this pipeline segment would improve (Pasco Laret Suiter & Associates 2021a).

Table 3.14-7 Summary of Sewer Capacity with Proposed Project

Segment No.	Pipe Diameter (D)	Existing Slope	Existing Peak Flow	Additional Peak Flow (with Project)	Total Proposed Peak Flow	Proposed d/D	Proposed Velocity
1	8-inch	0.38%	0	15.16 gpm/ 0.03 cfs	15.16gpm/ 0.03 cfs	0.13	1.3 ft/sec
2	8-inch	0.76%	0	78.9677.81 78.9677.81 gpm/ 0.1703 cfs	78.9677.81 78.9677.81 gpm/ 0.1703 cfs	0.28 ¹	2.2 ft/sec ¹

¹ Proposed d/D and proposed velocity are reflective of the original project design which included 30 hotel guest rooms. The increase in the number of proposed guest rooms from 30 to 34, as revised subsequent to public review of the Draft EIR, would not change the finding that the affected pipeline (Segment 2) has adequate capacity to carry expected sewage flows generated by the project.

Notes: gpm = gallons per minute; cfs = cubic feet per second; ft/s = feet per second; d/D = depth of flow to pipe diameter ratio

Source: Pasco Laret Suiter & Associates 2021a; see [Appendix M-1](#).

The LWD has provided a *Project Facility Availability Form (Water)* which states that the district is expected to be able to serve the project as proposed for the next 5 years (LWD 2021). Further, as part of the project approval process, the applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that the wastewater treatment requirements of the RWQCB would not be exceeded. Therefore, the wastewater generated by the proposed project would not cause the LWD to exceed the wastewater treatment requirements of the San Diego RWQCB. As such, the proposed project would not require, or result in, the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Stormwater

On-site stormwater runoff would be collected by proposed storm drains that convey to biofiltration basins located throughout the site. Discharge from the biofiltration basins would flow to the proposed underground storage vault located in the northeastern corner of the project site. The vault would discharge to a proposed 18-inch RCP that would connect to the back of the existing curb inlet located north of the project along Highway 101. The existing inlet then conveys flows to the north via 18-inch and 24-inch reinforced concrete pipes (RCPs).

3.14 Utilities and Service Systems

Off-site stormwater that runs onto the site along the westerly boundary would be intercepted via a new concrete ditch and routed to a proposed storm drain that would run along the northern boundary of the site. The proposed storm drain would connect to the underground vault which would discharge to the 18-inch RCP pipe described above. Off-site run-on along the southern boundary would be captured in a new concrete ditch and discharged to Highway 101 via sidewalk underdrains.

The proposed underground storage vault would also provide treatment for the 100-year storm event peak discharge rate. As described in the *Preliminary Hydrology Study*, the proposed underground storage vault is sized to accommodate the increase in peak runoff in the proposed condition and the biofiltration basins and storage vault are designed to meet the requirements of the MS4 Permit for both pollutant control and hydromodification management.

As shown in Table 3.8-1 (refer to 3.8 Hydrology & Water Quality), the peak flow rate resulting from the 100-year, 6-hour storm event would be lower in the proposed condition (1.17 cfs) than the existing condition (14.65 cfs). As such, the proposed project would not substantially alter existing drainage patterns of the project site but would instead maintain and improve existing on-site stormwater drainage patterns (see also Appendix H). Therefore, the proposed project would not require the expansion of or need for new stormwater facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Electric Power

Refer to Section 3.5, Energy Conservation and Climate Change. San Diego Gas and Electric currently provides electrical service to the project site. Electrical service currently exists surrounding the project site, and would be extended within the interior of the site to the various uses proposed. In accordance with City requirements, all electrical lines would be undergrounded. Electrical service connections off-site would be within existing public rights-of-way; on-site such improvements would be extended within proposed drive aisles. SDGE provided a will-serve letter that indicates that SDGE would be able to provide electricity service to the site (Appendix N).

Furthermore, the project would install rooftop solar panels capable of producing approximately 250 kilowatts (kW) of ~~rooftop~~ solar power on-site and high-efficiency water heaters or solar water heater systems that would reduce electrical demand would also be installed (see Section 3.5, Energy Conservation and Climate Change). Therefore, the proposed project would not result in the expansion or need for new electric power facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Natural Gas

The existing site currently has natural gas service provided by SDGE. The proposed project would limit use of natural gas to cooktops and ovens in the residential units, hotel, and commercial uses as applicable. No natural gas fireplaces would be permitted except for the recreation center. Natural gas service connections off-site would be within existing rights-of-way. Refer to [Section 3.5, Energy Conservation and Climate Change](#), for more information on natural gas use on-site.

SDGE provided a will-serve letter that indicates that SDGE would be able to provide electricity service to the site ([Appendix N](#)). Therefore, the proposed project would not result in the expansion or need for new natural gas facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be **less than significant**.

Telecommunication Facilities

The proposed project would include the installation of telecommunication facilities for the provision of internet services. Furthermore, implementation of the proposed project would not interfere with existing telecommunication facilities or future expansion of facilities. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities. Therefore, the proposed project would not result in the expansion or need for new telecommunication facilities, and **no impact** would occur as a result.

Mitigation Measures: No mitigation required.

Level of Significance: Less than significant.

WATER SUPPLY

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.

[Table 3.14-9A](#), Projected Project Water Demand Summary, provides the anticipated water demands for the proposed project as designed. The project is estimated to use approximately 47,940 gallons of water per day (gpd), including irrigation for landscaping; the maximum daily water demand is estimated at 81,498 gpd (Pasco Laret Suiter & Associates, Inc. 2021b; [Appendix M-1](#)). The proposed project would implement water conservation measures to reduce potable water use to the extent feasible. The project would meet or exceed the conservation measures mandated by the 2019 California Green Building Standards Code. Additionally, the proposed project would include non-mandatory water conservation measures, such as the installation of insulated hot water pipes, pressure reducing valves, water efficient dishwashers, and dual flush

3.14 Utilities and Service Systems

toilets (Appendix M-2). The proposed project would also use recycled water to irrigate common landscape areas. [Table 3.14-8](#) below summarizes the baseline projected water demand for the project and the net potable water demands with the implementation of water conservation measures. [Table 3.14-9](#) lists the project's water conservation measures and associated water use reductions.

Table 3.14-8 Projected Project Water Demand Summary

Land Use	Quantity	Demand Factor ¹	Projected Water Demand (gpd)
Residential	94 Units	450 gpd/unit	42,300
Hotel	0.42 acres	7,000 gpd/acre	2,940
Commercial	0.42 acres	5,000 gpd/acre	2,100
Landscaping	Per Landscape Architect		600
Total:			47,940
Max Day Demand Peaking Factor ²			1.7
Max Daily Demand (MDD), gpd			81,498
Fire Flow Demand (FF), gpm			2,500

Notes: gpd = gallons per day; gpm = gallons per minute

Water Agency Standards (WAS) – Design Guidelines, Section 4.1 (7/28/14)

San Dieguito Water District Water System Master Plan, Section 3.5 (June 2010).

Source: Pasco Laret Suiter & Associates 2021b; see [Appendix M-1](#).

Table 3.14-9 Project Water Conservation Measures and Water Savings

Measure	Location	Yearly Water Savings (gal/unit)	Daily Water Savings	Project Total Water Savings (gpd) ¹
Hot Water Pipe Insulation	Indoor	2,400 gal/unit	6.57	618
Pressure Reducing Valves	Indoor	1,800 gal/unit	4.93	463
Water Efficient Dishwashers	Indoor	650 gal/unit	1.78	167
Dual Flush Toilets	Indoor	4,000 gal/unit	10.96	1,030
Total				2,279

Notes: Gal/unit = gallons/dwelling unit; gpd = gallons per day

Based on 94 Residential Units

Source: Pasco Laret Suiter & Associates 2021b; see [Appendix M-1](#).

As discussed in the SDWD's UWMP, the district has anticipated population increases through 2035 of 2,653 residents (between 2015 and 2035) which would be able to serve the projected population of approximately 236 residents. The proposed project is considered to be consistent with the General Plan, and accounted for in the HEU and the N101SP, and is within the population increase anticipated by the SDWD 2016 UWMP, it is anticipated that the District's existing

facilities would be capable of serving the proposed 94 residential units and non-residential uses that are a part of the proposed project.

Additionally, the City's CAP contains water conservation goals measures that aim to reduce water consumption, and thus GHG emissions. The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. As noted in [Table 3.14-9](#), the project's water conservation measures would save approximately 2,279 gpd. Since the proposed project would support approximately 236 residents, the water savings equates to 9.7 gallons saved per capita per day which exceeds the CAP's performance metric.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single-dry, and multiple-dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records.

The SDWD anticipates no reduction of local water supplies for a single or multiple-dry year event. Even during a dry year, it is assumed there would be some rain, and therefore, some refilling of water storage. In an event of a dry year, the SDWD would purchase more water from San Diego County Water Authority (SDCWA) and utilize their carryover storage supply. The SDWD would also implement water conservation measures as necessary. If shortages still occur, "additional regional shortage management measures, consistent with the Water Authority's Water Shortage and Drought Response Plan, will be taken to fill the supply shortage." As such, the SDWD expects to meet customer demands during a multiple-dry year event (SDWD 2016).

Therefore, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

WASTEWATER TREATMENT CAPACITY

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 in the service area of the Leucadia Wastewater District. The LWD has completed a *Project Facility Availability Form* which states that the district has adequate capacity to serve the proposed project for the next 5 years under existing and

3.14 Utilities and Service Systems

anticipated conditions (LWD 2021). The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's project demand in addition to the providers' existing commitments. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

SOLID WASTE INFRASTRUCTURE CAPACITY

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 project would be served by EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City. Solid waste is collected and taken to a local transfer station and then to the Otay Landfill in Chula Vista or the Sycamore Landfill in Santee. The Otay Landfill is expected to cease operation February 28, 2030 and is permitted to accept 6,700 tons per day. The Sycamore Landfill is expected to cease operation in December 31, 2042 and is permitted to accept 5,000 tons per day (CalRecycle 2019a, 2019b). Therefore, it is anticipated that these landfills can accommodate solid waste generated by project-related demolition, construction, and operational activities in the foreseeable future.

The City adopted a Construction & Demolition Debris (C&D) Ordinance (Chapter 11.22) that helps divert waste from landfills and comply with statewide mandates. Materials subject to the ordinance include, but are not limited to, asphalt, concrete, brick, dirt, rock, lumber, cardboard, metals and any vegetative or other land clearing/landscaping materials. Projects are required to reuse, salvage or recycle 60% of all C&D debris generated from the project (City of Encinitas 2020c).

Approximately 10,681 SF of building area on-site (all existing development) would be demolished to accommodate the proposed improvements, including the small commercial center in the southeastern portion of the site and the unoccupied former restaurant building in the northern portion, along with all existing surface parking areas. The proposed project would collect and sort such waste materials for diversion in order to ensure compliance with statewide mandates. Solid waste from construction activities would be delivered to the two landfills identified above, both of which have capacity to accommodate solid waste from the proposed project.

The project proposes a mixed-use development consisting of residential, hotel, and commercial uses. During project occupancy, these uses are expected to contribute additional solid waste to the Otay and Sycamore landfills. The City's CAP sets a goal of reducing greenhouse gas emissions from landfills by implementing a Zero Waste Program that promotes waste prevention, recycling, and diversion of organic waste. The CAP aims to divert 65% of the City's solid waste from the landfill by 2020 and divert 80% of waste by 2030. This would reduce waste generation rates to 3 pounds (lbs)/person/day by 2030 (City of Encinitas 2020). The project would be required to conform to all applicable State and local regulations pertaining to the reduction and diversion of waste generated as appropriate to assist the City in compliance with this goal.

Additionally, the project would be subject to requirements of AB 827 which requires that food establishments provide trash containers for products purchased and consumed on the premises and to also provide properly labeled containers for recyclables and organic waste (food waste). The new law applies to limited-service restaurants such as those restaurants where customers order and pay at the counter and bus their own tables after eating. Full-service food establishments that do not provide access to trash containers for products consumed on the premises are exempt. As the project anticipates that the mixed-use development may support restaurant and/or food service uses, such establishments would be required to conform to any applicable regulations. Similarly, the project would adhere to SB 1383 which requires implementation of an organic waste recycling program. The project would implement measures to reduce potential food waste, as required in conformance with the City's CAP.

According to CalRecycle, in 2019, the amount of annual waste generated by the City of Encinitas was estimated at 4.7 lbs/person/day based on population and 11.5 lbs/person/day based on employment (CalRecycle 2020). Under current conditions, there are no residential uses on-site that generate solid waste. The existing commercial uses are estimated to generate an estimated 278.8 pounds, or 0.14 tons, of solid waste per day (23.8 employees multiplied by 11.7 pounds).

Similarly, it can be expected that during operation, the 94 proposed residential uses would generate an estimated 1,109 pounds, or 0.56 tons, of solid waste per day from the on-site residential uses (236 anticipated residents multiplied by 4.7 pounds). Additionally, the hotel and commercial uses (retail, restaurant, and office space) would generate approximately 725 pounds, or 0.36 tons, of solid waste per day (62 employees multiplied by 11.7 pounds). This total, or an estimated 0.92 tons per day, represents an increase of an estimated 0.78 tons per day over existing conditions. Although the project would increase solid waste generated, the estimated 0.78 tons/day of waste above that generated under existing conditions would represent less than 0.006% of the total regional capacity for the Sycamore and Otay Landfills (11,700 tons per day). Therefore, project operations would not have an adverse effect on the operational capacity of the affected landfills over the long-term.

3.14 Utilities and Service Systems

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. Solid waste generated by the project would consist primarily of standard organic and inorganic waste normally associated with the proposed types of uses. The generation of substantial amounts of hazardous waste is not anticipated (refer to Section 3.7, Hazards and Hazardous Materials). As noted above, the site is adequately served by local landfills. The project would comply with all applicable federal, State, and local statutes and regulations related to solid waste reduction, handling, transport, and disposal during both construction and long-term operation.

Additionally, per its Climate Action Plan, the City has implemented a Zero Waste Program, which stipulates that by the year 2020, 65 percent of total solid waste generated would be diverted from the landfill and by the year 2030, 80 percent of total solid waste generated would be diverted. As such, the project would be required to comply with a Source Reduction and Recycling Element (SRRE), which would be submitted to and approved by CalRecycle, for the diversion of solid waste. Compliance with the SRRE would ensure that the proposed project would remain in compliance with AB 939.

The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Impacts would be **less than significant**.

Mitigation Measures: None required.

Level of Significance: Less than significant.

CUMULATIVE IMPACTS

Impact 3.14-6 **The project would not result in a significant cumulative impact related to utilities and service systems. Impacts would be less than cumulatively considerable.**

Geographic Scope

Cumulative projects that would have the potential to be considered in a cumulative context with the project’s incremental contribution, and that are included in the analysis of cumulative impacts relative to utilities and services, are identified in [Table 3.0-1](#) in [Section 3.0, Environmental Analysis](#), of this EIR. The geographic scope for cumulative impacts to utilities and service systems includes the service areas for the San Dieguito Water District (for water service), Leucadia Wastewater District (for wastewater), San Diego Gas and Electric, and the Otay Landfill and Sycamore Landfill. All cumulative projects identified and development of other future land uses in the surrounding area would be subject to the payment of appropriate development impact fees and/or the construction of new or expanded public facilities on a project-by-project basis, and in accordance with applicable local, State, and federal agency requirements, to avoid, reduce, and/or mitigate substantial increases in demand (and significant impacts) on utilities and service systems. Additionally, to be conservative, the cumulative analysis is based on a “worst-case” assumption and therefore also includes the 2019 HEU sites for which an application has not yet been filed with the City, as development of these sites may contribute to certain issue-specific cumulative effects (see [Tables 3.0-1](#) and [3.0-2](#)).

Potential Cumulative Impacts

Potential project impacts associated with utilities and service systems would be less than significant, as detailed above. The 2016 At Home in Encinitas/Measure T EIR determined that cumulative impacts associated with the 2016 Housing Element Update would be less than cumulative considerable. The 2016 HEU provided a range of options ranging from 1,853 residential units up to 3,261 residential units. The 2019 HEU anticipated 1,560 residential units, less than the minimum yield under the 2016 HEU and less than half of the maximum yield.

A portion of the project site was identified in the HEU and therefore, in combination with existing and reasonably foreseeable future projects that would utilize the same utilities and service systems as the proposed project, such development is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, and solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. The portion of the project site not included in the HEU has been

3.14 Utilities and Service Systems

included in the analysis herein to ensure the proposed development does not result in an adverse effect on the adequate provision of utilities and services. Additional discussion is provided below.

Water Supply

As discussed under Impact 3.14-1, since the proposed project is consistent with the General Plan and is within the population increase anticipated by the SDWD 2016 UWMP, it is anticipated that the District's existing facilities would be capable of serving the proposed 94 residential units and non-residential uses that are a part of the proposed project. The San Dieguito Water District's 2015 Urban Water Management Plan demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP updates ~~(the next update is scheduled for 2021)~~ so their water use is considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

Wastewater

Wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is expected to be able to serve a project as proposed for the next 5 years. Further, as part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately for each project and that wastewater treatment requirements of the RWQCB would not be exceeded. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to wastewater. Cumulative impacts would be less than significant in this regard.

Other Utilities

As noted above, the project would not substantially increase demand for solid waste disposal service. The Otay Landfill and the Sycamore Landfill both have remaining capacity well into the

future to accommodate the project and the cumulative projects. All cumulative projects would similarly be required to evaluate potential effects on local landfills and demonstrate that such facilities are available to serve a project on an individual basis, with consideration for landfill capacities at the time when development is proposed. Additionally, both the proposed project and the cumulative projects would be required to conform to applicable State and local regulations for waste diversion and recycling.

The project is not anticipated to cause a substantial increase in demand for other utilities such as electricity, natural gas, or telecommunications. All projects would be required to evaluate the provision of such services on an individual basis and to demonstrate their availability to serve a proposed development, as appropriate. The project's contribution to a cumulative impact would be less than significant in this regard.

Conclusion

The proposed project, in combination with existing and reasonably foreseeable future projects that utilize the same utilities and service systems as the proposed project, is not anticipated to overburden the respective wastewater, water, stormwater, natural gas, telecom, or solid waste providers, resulting in the need for upgraded or new facilities, the construction of which could result in significant environmental effects. Cumulative projects would be required to receive will-serve letters from the appropriate water and wastewater providers to confirm that those agencies are capable of serving the project and would be required to demonstrate adequate solid waste disposal facilities to serve a development. Electricity, natural gas, and telecommunications services would rely on existing infrastructure and therefore, would not require expansion of services that would result in an environmental impact. Therefore, for the reasons stated above, the project would not contribute to a significant cumulative impact related to utilities and service systems. Cumulative impacts would be **less than cumulatively considerable**.

Mitigation Measures: None required.

Level of Significance: Less than cumulatively considerable.

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Section 4.0

Effects Found Not to Be Significant

California Public Resources Code Section 21003(f) states, “It is the policy of the state that...all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment.” This policy is reflected in California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a), which states that “an EIR [environmental impact report] shall identify and focus on the significant impacts of the proposed project on the environment,” and Section 15143, which states that “the EIR shall focus on the significant effects on the environment.” As stated in Section 15128 of the CEQA Guidelines, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.”

In the course of evaluation, certain impacts were found not to be significant (no impact) or to be less than significant because the characteristics of the proposed project would not result in such impacts. This section briefly describes such effects. However, other individual impacts found to be less than significant are evaluated in the various EIR sections ([Sections 3.1](#) through [3.14](#)) to more comprehensively discuss why impacts are less than significant in order to better inform decision-makers and the general public.

4.1 AGRICULTURE AND FORESTRY RESOURCES

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

The California Department of Conservation (DOC) operates a Farmland Mapping and Monitoring Program (FMMP) that maps and collects statistical data on the state’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, with the best quality land called Prime Farmland. Maps are updated every two years, with current land use information gathered from aerial photographs, a computer mapping system, public review, and field reconnaissance. The DOC Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands are referenced in CEQA Guidelines Appendix Gas resources to consider in an evaluation of agricultural impacts.

According to available data from the FMMP, the entire project site is designated as Urban and Built-Up Land which is land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential,

4.0 Effects Found Not to Be Significant

industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California (DOC 2020). The Urban and Built Up Land designation is not considered as suitable or protected farmland for CEQA purposes.

According to the *Phase I Environmental Site Assessment (ESA) 1950 N. Coast Highway 101* that was prepared for the project, the parcel located at 1950 N. Coast Highway 101 appears to have supported agricultural activities from 1939 to 1964 on the west side of the property. A structure is first noted on-site on an aerial photograph in 1979. This structure is the vacant restaurant that currently exists on-site. Given the time since the last known agriculture use, the land is not considered agriculture land ([Appendix J-1](#)).

Therefore, as the project site does not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, **no impact** would occur.

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

Refer to Response 4.1a), above. The project site does not support agriculture land. As such, lands affected by the proposed project are not subject to a Williamson Act contract. Therefore, **no impact** would occur.

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

The City does not support any lands zoned as forestland or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, any forestland or timberland. **No impact** would occur.

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

The City does not contain any forestlands. Therefore, implementation of the proposed project would not result in the loss or conversion of forestland to non-forest use and would not otherwise adversely impact forestland in the area. **No impact** would occur.

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

Refer to Responses 4.1a) and 4.1c), above. The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Existing land uses on surrounding properties are predominantly commercial. Lands surrounding the project site do not support designated Farmland or forestland. Therefore, the proposed project would not involve changes in the existing environment that would result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. **No impact** would occur.

4.2 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the California Department of Conservation Division of Mine and Geology, the project site, along with the majority of lands in the City of Encinitas, is designated as Mineral Resource Zone 3 (MRZ-3), which indicates an area containing mineral deposits the significance of which cannot be evaluated from available data (DOC 1996). No known mineral resource recovery sites occur or are designated within or adjacent to the project site, including in the City's General Plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. Impacts would be **less than significant**.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The project site is not in an area designated for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **No impact** would occur.

4.3 POPULATION AND HOUSING

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project site is one of 15 consolidated sites included in the City of Encinitas Housing Element Update, which was adopted approved by the City Council at their June 20, 2018. Parcels 1 and 2 are zoned as Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units, if developed ~~under a mix use scenario~~ as mixed-use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations (City of Encinitas 2015). Parcel 3 (APN 2016-041-06) is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay. As part of the HEU, the City provided a revised housing forecast to SANDAG. The proposed project is consistent with the City's General Plan, Local Coastal Program, Housing Element, Municipal Code, Zoning Ordinance, Housing Law and objective design standards, and N101SP (see Section 3.9, Land Use and Planning).

Therefore, the proposed project would not directly induce unplanned growth, as detailed in the HEU. Further, the project site is surround by development to the west and south (residential uses), and Highway 101 to the east, and would not induce substantial indirect growth through the extension of roads and other infrastructure. The site would be developed consistent with the identified housing unit allowances, and no change to the existing General Plan land use designation or zoning classification is required to allow for the project as proposed.

As shown in Table 4.3-1, the City's population is expected to be 62,829 in 2020 and 66,178 in 2050. Based on the person per household estimate of 2.51, the proposed project would support a population of 236 people (2.51 x 94 residential units). Therefore, the proposed project would represent approximately a one percent increase to the 2020 population and a less than a percent increase of the projected 2050 population (City of Encinitas 2019). Total housing units in the City is expected to be 26,131 in 2020 and 27,667 in 2050. The proposed project would represent approximately a one percent increase to the 2020 and 2050 housing units.

Table 4.3-1 City of Encinitas Population and Housing Projections

Unit	Estimated		Forecasted		Change from 2016 to 2035	
	2016	2020	2035	2050	Numeric	Percent
Total Population	61,928	62,829	64,718	66,178	2,790	4.3
Person per Household	2.51	2.51	2.51	2.51	0	0
Total Housing Units	25,920	26,131	26,633	27,667	713	2.7

Source: City of Encinitas Housing Element Update, 2019

Therefore, the proposed project would not induce substantial unplanned population growth, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure) because the proposed project is included in the planned growth outlined in the HEU. Impacts would be **less than significant**.

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

The project site is currently occupied by an operating restaurant, a small commercial center, and a vacant structure formerly occupied by a restaurant use, along with various supporting surface parking areas and land that is undeveloped, yet disturbed. Refer to [Figure 2.0-2, Aerial Photograph](#). As no housing occurs on the project site, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There would be **no impact**.

4.4 WILDFIRE

If located in or near state responsibility areas or lands classified as very high hazard severity zones, would the project:

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

The project site is located in a developed urban area surrounded by commercial hotel, commercial retail, and residential uses. According to the Cal Fire Encinitas Very High Fire Hazard Severity Zones in Local Responsibility Area (LRA) Map, the project site is not located in a zone designated as Very High Fire Hazard Severity (Cal Fire 2009).

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County 2018b). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

4.0 Effects Found Not to Be Significant

Vehicular access to the site would be provided via a proposed roundabout constructed along right turn in from the southbound lane of North Coast Highway 101 and via a left turn in from the northbound lane of North Coast Highway 101 near the southern portion of the project site. The roundabout would provide connection to the proposed entry drive to the subject property. Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. Activities associated with the proposed project would not impede existing emergency response plans for the project area. The project would not result in closures of North Coast Highway 101 or other local roadways that may have an effect on emergency response or evacuation plans in the vicinity of the project site. It is anticipated that all local roadways would remain open during project construction and operation. Further, construction activities occurring within the project site would comply with all conditions, including grading permit conditions regarding lay-down and fire access, and would not restrict access for emergency vehicles responding to incidents on the site or in the surrounding area. It is anticipated that all vehicles and construction equipment would be staged on-site, off public roadways, and would not block emergency access routes.

The project would not interfere with the San Diego County Sheriff's Department's ability to safely evacuate the area in the event of an emergency (see Section 3.7, Hazards and Hazardous Materials; Section 3.11, Public Services and Recreation; and Section 3.12, Transportation). Additionally, the proposed project has been designed in compliance with City Fire Department access and design requirements related to fire prevention and subject to approval by the City's Planning Division.

Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Impacts would be **less than significant**.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Refer to Response 4.4a), above. The project site is not located in a zone designated as Very High Fire Hazard Severity.

The site exhibits varied topography. The areas where development has occurred are generally flat; however, approximately 15 percent of the overall property has a slope greater than 25 percent, with some on-site slopes exceeding 40 percent. Historical imagery available for the site indicates that the existing on-site steep slopes are not natural features, and rather, are manufactured slopes.

The entirety of the project site would be graded to allow for the proposed improvements. Grading would include approximately 50,700 cubic yards (c.y.) of cut and 2,300 c.y. of fill; refer

to [Figure 2.0-7, Grading Plan](#). All existing on-site vegetation would also be removed with project grading. An estimated 48,400 c.y. of sand material would be exported off-site for beach placement as part of the City's Opportunistic Beach Fill Program. Proposed maximum cut slopes would be 31 feet in height; maximum fill slopes would be 18 feet in height.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented for the proposed project. These measures would minimize the occurrence of fire during construction and for the life of the proposed project.

During project construction, occupancy, and operations, the proposed project may introduce potential ignition sources including vehicles, gas- or electric-powered small hand tools (i.e., for maintenance), and standard substances used for routine household cleaning and landscaping maintenance; however, such conditions are not anticipated to exacerbate wildfire risks or increase the risk of exposure of residents to pollutant concentrations. Furthermore, as the project site currently supports commercial uses, potential ignition sources from routine household cleaning and landscaping maintenance already exists on-site.

As part of the mixed-use area, the project would offer a walking paseo, pedestrian plaza, and an outdoor seating area. These uses would be open to the public and are intended to encourage active and passive recreation, social interaction, and community engagement; refer to [Figure 2.0-3A, Site Plan](#), and [Figure 2.0-5A, Conceptual Landscape Plan](#). A pedestrian bridge would be constructed at the north end of the project site to connect the proposed ~~3034~~34-room hotel to the adjacent Alila Marea Beach Resort and indirect access to South Ponto State Beach. The pedestrian bridge is not anticipated to exacerbate wildfire risk as the surroundings areas already support pedestrian access so the pathway would not introduce pedestrians to previously undeveloped areas.

The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and would be subject to payment of public safety services impact fees to ensure risks from wildfire are minimized. Therefore, the project is not anticipated to exacerbate wildfire risks or otherwise expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be **less than significant**.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Refer to 4.4b). Vehicular access to the site would be provided via a ~~right turn in from the southbound lane of~~ proposed roundabout along North Coast Highway 101 ~~and via a left turn in~~

4.0 Effects Found Not to Be Significant

~~from the northbound lane of North Coast Highway 101, providing connection to the access drive to the project site; refer to Figure 2.0-3B.~~ Improvements to North Coast Highway 101 are also proposed to allow for adequate ingress/egress. The proposed project has also been designed with respect for the planned Highway 101 streetscape improvements to provide continuity and to minimize any visual incompatibility or conflict. Construction of the proposed Highway 101 streetscape improvements are planned to be implemented in 4 phases, with construction currently underway at the present time. Improvements to Highway 101, including then streetscape improvements, would not interfere with emergency access.

Emergency access would be on Highway 101 at approximately the location of an existing (but not currently utilized) access point for the property. The project proposes a series of on-site private driveways and alleyways ranging in width from 20 to 26 feet. No new off-site roadways are proposed with the project. Highway 101 would be adequate to serve the development for purposes of emergency evacuation in the event of a wildfire.

San Diego Gas & Electric (SDGE) currently provides electrical service to the project site. All existing and future on-site utilities (electrical lines) would be undergrounded with the proposed project improvements. Public water service for the project would be provided by the San Dieguito Water District. Water utilities improvements would include connections to the public water system and have been designed to achieve the applicable fire flow requirement of 1,500 gallon per minute. None of the infrastructure improvements proposed are anticipated to exacerbate fire risk, and all potential temporary or ongoing effects on the environment resulting with such improvements have been evaluated in Sections 3.1 to 3.14 of this EIR.

The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts would be **less than significant**.

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

Geotechnical investigation review of aerial photography indicated no evidence of active or dormant landslides; however, the site is mapped as being in an area generally susceptible to landslides (NOVA 2021). Additionally, the project has been designed to retain and treat stormwater runoff on-site and would not result in an increase in rate or quantity of runoff post-construction as compared to existing drainage conditions (see also Section 3.8, Hydrology and Water Quality).

The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be **less than significant**.

5.1 INTRODUCTION

Section 15126.6(a) of the CEQA Guidelines requires that an EIR describe a reasonable range of project alternatives that could feasibly attain the basic objectives of the project, while avoiding or reducing impacts associated with the project.

According to CEQA Guidelines Section 15126.6(a), the discussion of alternatives must focus on alternatives to the project, or to the project location, which will avoid or substantially reduce any significant effects of the project, even if the alternatives would be costlier or hinder to some degree the attainment of the project objectives.

The “No Project” alternative must also be evaluated. The “No Project” analysis must discuss the existing conditions and what would reasonably be expected to occur in the foreseeable future if the proposed project was not approved.

The range of alternatives required is governed by a “rule of reason,” meaning that the EIR must only evaluate those alternatives necessary to permit a reasoned choice. The alternatives must be limited to only ones that would avoid or substantially lessen any of the significant effects of the proposed project.

Additionally, an EIR should not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. The CEQA Guidelines also require an EIR to state why an alternative is being rejected. If the City ultimately rejects any or all alternatives, the rationale for rejection will be presented in the findings that are required before the City certifies the EIR and takes action on the proposed project.

According to Section 15126.6(f)(1) of the CEQA Guidelines, among the factors that may be taken into account when addressing feasibility of alternatives are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the applicant could reasonably acquire, control, or otherwise have access to the alternate site.

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. If the No Project Alternative is the environmentally superior alternative, State CEQA Guidelines Section 15126.6(e)(2) requires that another alternative that could feasibly attain most of the project’s basic objectives be chosen as the environmentally superior alternative.

5.2 PROJECT OBJECTIVES

The underlying purpose of the proposed project is to create a pedestrian-oriented development that provides a mixture of land use types, offers community services and passive recreational activities, and creates opportunities for attainably-priced residential rental housing across various income groups in conformance with the City's 2019 Housing Element Update (HEU) (City of Encinitas 2019).

The objectives of the proposed project are as follows:

1. Provide housing opportunities consistent with the goals of the adopted City of Encinitas General Plan HEU while minimizing environmental effects and protecting surrounding aesthetic resources.
2. Design a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances.
3. Dedicate 20 percent of the total number of dwelling units as affordable housing units for low-income families, thereby helping to meet State-mandated affordable housing requirements and further encourage diversity within the community.
4. Provide access to significant coastal resources to low-income families consistent with goals and policies of the California Coastal Act.
5. Provide a residential housing product aimed at meeting growing demand for for-lease apartment homes.
6. Provide an overall design that achieves consistency with the goals and design review guidelines identified in the North 101 Corridor Specific Plan (N101SP) for Highway 101 within the community of Leucadia.
7. Provide functional compatibility with adjacent residential neighborhoods and other nearby land uses while enhancing the City's ability to provide fiscally positive development.
8. Create a walkable environment that promotes and enhances the pedestrian experience throughout the site, with safe, convenient, and attractive connections including a walking paseo, pedestrian plaza, and outdoor seating to support community engagement.
9. Minimize visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.

10. Minimize or avoid adverse impacts to designated scenic resources along the North Coast Highway 101 corridor.
11. Provide a project design that enhances pedestrian connectivity to public transit and promotes use of alternative means of transportation.
12. Provide resident and commercial parking in accordance with the City of Encinitas Zoning Ordinance and encourage shared parking among the various non-residential uses within the project.
13. Provide overnight visitor-serving accommodations, including “economy” options, in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program to ensure a full range of affordability.

5.3 IMPACTS OF THE PROPOSED PROJECT

Based on the analysis provided in Section 3.0, Environmental Analysis, the proposed project would result in a significant and unavoidable vehicle miles traveled (VMT) impact (unable to fully mitigate below established thresholds). Refer to Section 3.12, Transportation, for additional discussion.

Other project impacts, including Biological Resources, Cultural Resources, Energy Conservation and Climate Change, Geology and Soils (paleontological resources), Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources can be mitigated to less than significant levels with incorporation of mitigation measures. Impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services and Recreation, Utilities and Service Systems, and Wildfire were determined to be less than significant.

5.4 ALTERNATIVES TO THE PROPOSED PROJECT

This analysis focuses on alternatives capable of eliminating significant adverse environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives.

As noted previously, the CEQA Guidelines (Section 15126.6(e)(2)) require that the alternatives discussion include an analysis of the No Project Alternative. Pursuant to CEQA, the No Project Alternative refers to the analysis of existing conditions (i.e., implementation of current plans) and what would reasonably be expected to occur in the foreseeable future if the project was not approved. Further, CEQA Section 15126.6(a) provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR need only consider a reasonable range of

5.0 Alternatives

alternatives. The following alternatives have been identified for analysis in compliance with CEQA:

- **Alternative 1:** No Project/No Redevelopment
- **Alternative 2:** No Project/Reasonably Foreseeable Development
- **Alternative 3:** Reduced Residential/Increased Commercial
- **Alternative 4:** Reduced Footprint and Increased Common Space/Public Amenities

Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project, summarizes the potential impacts of each alternative on the environmental resources evaluated in the EIR that require mitigation, as compared to the proposed project.

Table 5-1 Comparison of Project Alternative Impacts to the Proposed Project

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

Notes:

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

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

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

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

Alternative 1: No Project/No Redevelopment Alternative

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

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

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

Biological Resources

Impacts to biological resources generally occurs during ground disturbing and construction activities. As this alternative does not include such activities, direct or indirect impacts to biological resources would not occur with this alternative. In addition to avoiding tree removal in the Highway 101 median to provide access to the site, this alternative would also avoid tree removal of existing on-site trees, thereby eliminating disturbance to nesting or migratory avian species. Therefore, impacts to biological resources would be reduced when compared to the proposed project.

Cultural Resources

Impacts to cultural resources generally occurs during ground disturbing activities (i.e., grading and excavation). As this alternative would not result in such activities, direct or indirect impacts to unknown cultural resources would not occur with this alternative. Therefore, impacts to cultural resources would be reduced when compared to the proposed project.

Energy Conservation and Climate Change

The City has adopted an interim screening threshold of 900 MTCO₂e per year based on guidance in the California Air Pollution Control Officers Association's (CAPCOA's) *CEQA & Climate Change* report. As part of the project GHG analysis, existing GHG emissions from the commercial uses on-site were estimated to be approximately 549.02 MTCO₂e/year which is below the City's screening threshold; refer to [Table 3.5-5](#). As the project would not be developed under this alternative, it is reasonable to assume that GHG emissions from existing onsite uses would continue at the same level as current conditions. While these emissions would continue to contribute to global climate change, for CEQA purposes, such emissions would be less than significant. As such, this alternative would reduce impacts related to GHG emissions as compared to the proposed project.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally result from grading and/or excavation activities during construction. As this alternative would not include ground disturbing activities, impacts to unknown paleontological resources would not result with this alternative. Therefore, impacts to paleontological resources would be reduced when compared to the proposed project.

Hazards and Hazardous Materials

Based on the results of the Phase I ESA (see [Section 3.7, Hazards and Hazardous Materials](#)), the project would require mitigation measures to reduce significant impacts resulting from potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and to identify any additional remediation required during demolition/deconstruction to safely transport and dispose lead-based paint and/or asbestos.

Alternative 1 would not implement these mitigation measures as construction is not proposed, and therefore, demolition of any existing on-site structures would not be required. Hazardous materials would thus not be upset during construction activities. Since potential hazardous materials would stay in place, an impact would not occur.

Noise

The nearest structures to the project site are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As indicated in [Section 3.10, Noise](#), no significant construction or operational noise generation impacts would occur with project implementation.

However, as indicated in [Table 3.10-9](#), vibration velocities from typical heavy construction equipment used during project construction would range from 0.0042 (a small bulldozer) to 0.2935 (vibratory roller) inches/second (in/sec) peak particle velocity (PPV) at 20 feet from the source of activity, which would potentially exceed the Federal Transit Administration's 0.2 in/sec PPV threshold for architectural damage.

As no project would be constructed, vibration impacts from construction activities would not occur. Therefore, this alternative would reduce potential significant noise impacts relative to vibration as compared to the proposed project.

Transportation

As no development would occur under Alternative 1, the existing commercial uses would continue to operate as they do under ~~existing-current~~ conditions, generating an estimated ~~943~~ 931 average daily trips (ADT). No improvements would be made to enhance mobility (i.e., pedestrian, bicycling, transit) and no roadway improvements would occur for ingress/egress. It is noted that the vehicle miles traveled (VMT)/employee of the existing operations may exceed 85% of the regional average. However as no development would occur on-site, it is reasonable to conclude that the No Project Alternative VMT/employee would result in reduced impacts related to VMT as compared to the proposed project as fewer daily vehicle trips would be generated and the only VMT would be generated by the existing commercial uses on-site. Therefore, this alternative would avoid significant and unavoidable impacts related to transportation (VMT) that would result from project implementation.

Tribal Cultural Resources

Impacts to tribal resources generally occur during ground disturbing activities (i.e., grading and excavation). As this alternative would not include such activities, direct and indirect impacts to unknown tribal cultural resources would not occur with this alternative. Therefore, impacts to tribal cultural resources would be reduced when compared to the proposed project.

Summary

Impacts to biological resources, cultural resources, energy conservation and climate change, geology and soils (paleontological resources), hazards and hazardous materials, noise, and tribal cultural resources would be reduced as the project site would not be developed and existing on-site operations would be maintained at their current capacity. This alternative would also result in reduced transportation impacts as fewer daily vehicle trips would be generated by existing operations as compared to the proposed project. As such, this alternative would avoid the significant and unavoidable impact related to VMT that would result from implementation of the proposed project. Refer to Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project.

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

Alternative 2: No Project/Reasonably Foreseeable Development Alternative

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

Similar to the proposed project, a ~~3034~~ 3034-room hotel would be constructed on Parcel 1 in the northern portion of the site. On Parcel 2, 33 residential units (for-lease apartments) would be constructed, which represents the minimum number of residential dwelling units required by the HEU. This alternative would include 7 affordable residential units which represents 20 percent of the overall proposed units. As such, the number of affordable residential units would be reduced from 19 to 7 units. The remainder of Parcel 2 would be developed with approximately 10,774 SF of commercial space.

Using the same estimate of 2.51 persons per household as the proposed project, this alternative would generate a resident population of 83 persons. Additionally, at an assumed employee demand of 250 SF/employee, the 10,774 SF of commercial space would generate an estimated 43.1 employees. Similar to the project as proposed, the ~~3034~~ 3034-room hotel would generate approximately 9.8 employees. Therefore, development under this alternative would generate an estimated total of 53 employees, as compared to the 62 employees generated with the proposed project.

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

Biological Resources

Since the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species. As with the proposed project, construction on the subject site under this alternative would have the potential to indirectly affect nesting avian species if determined to be present at the time construction is undertaken. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to biological resources would be reduced as compared to the proposed project as the area of potential disturbance would be reduced, as would be the number of trees to be removed from the site. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the

severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources. However, since this alternative would not include the purchase and development of Site 2 (Parcel 3), the land area affected by grading and excavation activities would be reduced, thereby also reducing the potential to encounter unknown cultural resources of significance. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

Energy Conservation and Climate Change

As the property comprising Site 2 (Parcel 3) would not be purchased by the developer, GHG emissions generated by continued operation of the existing small-scale commercial uses would not contribute to emissions generated by this alternative.

As stated, development under this alternative would result in a reduction in the number of residential apartment units developed on Parcel 2 would be reduced to 33 as compared to 94 with the project, and commercial space would be reduced to approximately 10,774 SF. Similar to the proposed project, a ~~303~~34-room hotel would be constructed on Parcel 1. As such, it is anticipated that with the reduced development, which in turn would reduce associated construction demands, overall energy use, and traffic generation (i.e., reduced number of employee and resident vehicle trips), GHG emissions would be less than those generated by the proposed project.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally occur during ground disturbing activities, such as grading and excavation. As this alternative would include construction activities, direct impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to paleontological resources would be reduced as compared to the proposed project as less land area would be disturbed, thereby reducing the potential to encounter unknown resources. This alternative would still require implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the proposed project as Site 2 would not be developed.

Hazards and Hazardous Materials

As this alternative would not develop Site 2 (Parcel 3) and this site would remain in its current state with the small-scale commercial uses operating on-site; no demolition of or improvements to these uses would occur, and therefore, no potentially hazardous substances (i.e., lead based paint or asbestos) would be released into the environment or require treatment. As such, this alternative would not require the implementation of mitigation measures as would occur with the proposed project. Therefore, compared to the proposed project, the potential for significant hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials would be decreased with this alternative. Impacts would be reduced as compared to the proposed project.

Noise

The nearest structures are multi-family residential buildings located approximately 20 feet west of the project boundary. These multi-family residential buildings are immediately adjacent to Parcels 1 and 2. As these parcels would still be developed under this alternative, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts generated by the proposed project. Mitigation measure **NOI-1** would be required to reduce vibration levels below the adopted threshold. No other construction or operational impacts are anticipated to occur with this alternative. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project.

Transportation

As shown Section 3.12, Transportation, the proposed project would generate ~~1,963~~2,003 ADT. Project implementation would ~~also~~ replace the ~~943-931~~ daily trips associated with the existing on-site commercial operations (or 830 ADT with credit for existing use primary and diverted trips), ~~and therefore, the project's net increase (above existing) would be 1,173~~2,003 ADT minus 830 ADT. Additionally, the proposed project would be consistent with the City's General Plan. However, based on the Technical Advisory and Regional TIS Guidelines, the project does not fall below the ADT screening thresholds of either 110 ADT or 1,000 ADT.

Based on the analysis provided in Section 3.12, Transportation, the proposed project would exceed 85% of the regional VMT/capita or VMT/employee. As a result, mitigation measure **TR-1** is proposed to require implementation of a Transportation Demand Management (TDM) Program which includes measures to reduce the proposed project's VMT. The SANDAG Mobility Management VMT Reduction Calculator Tool computed a total sum of 6.4% VMT reduction based on the project's proposed voluntary employer commute program and the mixed land uses. However, as the project would not meet the 15% reduction threshold, a significant and

unavoidable impact would occur. The table below provides an updated VMT estimate for Alternative 2.

Table 5-2 Project Trip Generation for Alternative 2

Proposed Project				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	30 34	Rooms	300 340
Multi-Family (>20 du/acre)	6/DU	33	DU	198
Specialty Retail/Strip Commercial	40/KSF	10,774	SF	430
<i>Project Driveway Trips:</i>				<u>928968</u>
Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)				
Specialty Retail (Pass-by = 15% ADT AM; 10% PM):				-5265
<i>Project Primary and Diverted Trips:</i>				<u>863916</u>

Source: LOS Engineering, Inc. 2022b; see Appendix L-1.

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet .

Spreadsheet rounding may result in +1 to the above numbers.

As shown, this alternative would generate ~~928-968~~ ADT, but after the pass-by trips are deducted the project would generate approximately ~~863-916~~ ADT. As this alternative falls below the ADT screening threshold of 1,000 ADT, further VMT/Capita and VMT/Employee analysis is not required to address the residential and commercial uses proposed. Therefore, transportation impacts related to VMT would be less than significant for this alternative and this alternative would avoid the significant and avoidable impact that would result with implementation of the proposed project. As the ADT screening threshold would not be met, this alternative would not be required to implement mitigation measure **TR-1** which addresses the proposed project’s VMT impacts, including implementation of SANDAG’s iCommute program, development of a bikeshare program, pedestrian improvements, and provision of wayfinding information for public transit.

Tribal Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources. However, as this alternative would not include the purchase and development of Site 2 (Parcel 3), impacts to unknown tribal cultural resources would be reduced as compared to the proposed project as the area of disturbance would be reduced, thereby also reducing the potential to encounter such resources. This alternative would still require the implementation of the same mitigation as the proposed project to reduce impacts to a less than significant level, but the severity of the impact would be reduced as compared to the project as Site 2 would not be developed.

Summary

As this alternative would not include the purchase and development of Site 2 (Parcel 3) and a reduced, less intensive development plan would be implemented, impacts to biological resources

5.0 Alternatives

(e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), energy conservation and climate change, geology and soils (paleontological resources), hazards/hazardous materials, and tribal cultural resources would be reduced as compared to the proposed project. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project.

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

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

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

Alternative 3: Reduced Residential/Increased Commercial Alternative

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

Under this alternative, the ~~3034~~ 3034-room boutique hotel would remain. Additionally, Site 1 would be developed with 84 for-lease apartment units, which is the maximum number of dwelling units allowed under the existing zoning and similar to that which would occur with the proposed project. This alternative would remove the 10 dwelling units proposed on Site 2, so no residential uses would be proposed on Site 2. Private open space for the 84 residential units would also be provided as proposed with the project.

This alternative would qualify for incentives under Density Bonus Law by providing “low income”¹ affordable residential units (affordable to households earning no more than 80 percent of the area median income) which represents 20 percent of the overall proposed units. As this alternative removes 10 units, the number of affordable residential units would be reduced from 19 to 17 units.

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

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

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

Biological Resources

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to biological resources. Specifically, construction on the subject site under this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken. Additionally, as development of this alternative would affect the same land area as the proposed project, all existing trees (i.e., potential nesting sites) would be removed from the site, similar to that which would occur with the project. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required.

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

Cultural Resources

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to unknown cultural resources as the proposed project. Specifically, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources, as the area of land disturbed and the construction techniques (i.e., grading and excavation) would be similar. Therefore, similar mitigation measures as the proposed project would be required to address potential impacts to undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

Energy Conservation and Climate Change

While this alternative would remove the 10 dwelling units proposed on Site 2, the residential uses would be replaced with approximately 8,978 SF of commercial uses. Therefore, a total of 27,238 SF of commercial use would be provided. Although these changes would alter the site plan and construction plan, it is assumed that the overall intensity of project construction would be similar under this alternative as the proposed project, as the project components would be similar.

As stated in [Section 3.5, Energy Conservation and Climate Change](#), the proposed project would have a total service population (net increase of residents and employees on-site) of 274 people. This alternative would generate an estimated resident population of 211 persons since this alternative would have fewer residential units. Additionally, the 8,978 SF of additional commercial space would generate an estimated 36 employees above the 62 employees generated with the proposed project for an estimated total of 98 employees. As such, this alternative would have a total service population of 309 people compared to the 274 people with the proposed project. Since the project emissions are divided by the service population, this alternative would result in less emissions per person. However, while this alternative would result in less impacts than the proposed project, this alternative would also exceed the significance threshold of 2.7 MTCO₂e per year per service population from the City's CAP.

Therefore, the impact would be potentially significant and mitigation would be required. As with the proposed project, mitigation measure **GHG-1** would be implemented to require the project applicant to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO₂e per year per service population. With implementation of mitigation measure **GHG-1**, this alternative would not exceed the GHG emissions threshold from the City's CAP, and impacts would be reduced to less than significant with mitigation incorporated, similar to the proposed project.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally occur during ground disturbing activities (i.e., grading and excavation). As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to paleontological resources. Specifically, direct impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative, as the same land area would be disturbed as with the project, and required excavations would be similar. As such, mitigation measures identified to reduce potential impacts resulting with the proposed project would also be required to address the recovery of unknown paleontological resources with this alternative. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

Hazards and Hazardous Materials

Based on the results of the Phase I ESA, the proposed project would require mitigation measures to reduce the potentially significant impacts involving the potential release of hazardous materials into the environment. Mitigation measures **HAZ-1** through **HAZ-3** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos. This alternative would implement the mitigation measures as the existing buildings on-site would be demolished. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

Noise

While land uses and intensities would be changed under this alternative, construction activities would be anticipated to be similar to those resulting with the proposed project. The nearest structures are multi-family residential buildings located approximately 20 feet west of the of the project boundary. As Parcels 1 and 2 would still be developed under this alternative, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts from the proposed project. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels to below the adopted threshold. Vibration impacts associated with construction would be less than significant with mitigation incorporated, similar to the proposed project. No other construction or operational impacts are anticipated to occur with this alternative.

Transportation

As shown Section 3.12, Transportation, the proposed project would generate a net increase of 1,173,963 ADT (increase in the number of trips generated over existing conditions) and would therefore not fall below the ADT screening thresholds of either 110 ADT or 1,000 ADT. The project would exceed 85% of the regional VMT/capita or VMT/employee and mitigation measure **TR-1** would be implemented to require preparation of a TDM Program to reduce the proposed project’s VMT; however, impacts would remain significant and unavoidable. Table 5-3, Project Trip Generation for Alternative 3, provides the VMT estimate for this alternative.

Table 5-3 Project Trip Generation for Alternative 3

Project Alternative 3				
Land Uses	Rate	Size and Units		Average Daily Trips (ADT)
Resort Hotel	10 /Room	3034	Rooms	300340
Multi-Family (>20 du/acre)	6/DU	84	DU	504
Specialty Retail/Strip Commercial	40/KSF	17,562	SF	702
Restaurant (sit down; high turnover)	160/KSF	3,905	SF	625
Restaurant (quality)	100/KSF	2,134	SF	213
Office	20/KSF	3,638	SF	73
Project Driveway Trips:				2,4547
Pass-by Trips per SANDAG rates (Existing trips already on Highway 101)				
Specialty Retail (Pass-by = 15% ADT AM; 10% PM):				52105
Restaurant High Turnover (Pass-By = 12% ADT AM; 20% AM):				-75
Restaurant Quality (Pass-By = 12% ADT AM; 10% PM):				-26
Office (Pass-By = 4% ADT AM & PM)				-3
Project Primary and Diverted Trips:				2,301208
Existing Uses to be Removed				
Restaurant (sit down; high turnover) Roberto’s fast food)	160700/KSF	5,3331,202	SF	853841
Specialty Retail/Strip Commercial	40/KSF	2,249	SF	90
Credit for Existing Use Driveway Trips:				943931
Pass-By Trips per SANDAG rates (Existing trips already on Highway 101)				
Restaurant <u>Fast Food</u> (Pass-By =12% ADT AM; 40% PM):				-1012
Credit for Existing Use Primary & Diverted Trips:				841830
Net Change in Primary and Diverted Trips (for analysis):				1,471367¹

Source: LOS Engineering, Inc. 2022b0; see Appendix LX-1.

¹ 2,301208 – 830943 = 1,471265 net change in primary and diverted trips

DU = Dwelling Unit; ADT = Average Daily Trip; KSF = thousand square feet; SF = square feet
Spreadsheet rounding may result in +1 to the above numbers.

As shown, this alternative would generate a net increase of approximately 1,471,367 ADT above existing conditions which is less more than the proposed project (1,173 ADT). ~~(1,963 ADT)~~. ~~As such, this alternative would result in less than significant impacts than the proposed project.~~ However, ~~as~~As this alternative would not fall below the ADT screening threshold of 1,000 ADT, a

VMT/Capita and VMT/Employee analysis would be required to address both the residential and commercial uses proposed.

The project site is located in Census Tract 177.01. Refer to Table 3.12-2 for the VMT/Capita and VMT/Employee percentages for the proposed project. As described in Section 3.12, Transportation, the proposed project would result in a significant impact because the project exceeds the 85% VMT threshold.

As with the proposed project, this alternative would be located on an infill site; would contain a mix of uses on-site; includes project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing; and would be consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/Capita and VMT/Employee would still exceed 85% of the regional average.

Similar to the proposed project, to reduce the VMT/Capita and VMT/Employee associated with this alternative, VMT reducing measures would need to be implemented. Transportation Demand Management (TDM) strategies would be implemented as potential mitigation, aimed at vehicle trip reduction and increased use of alternative travel modes. Enforceable additive measures identified under mitigation measure **TR-1** for the proposed project would be implemented to reduce potential VMT-related impacts; however, even with such mitigation, impacts relative to VMT would remain significant and unavoidable for this alternative, similar to the proposed project.

Tribal Cultural Resources

As this alternative would result in development of the site at a similar intensity as the proposed project, implementation of Alternative 3 would result in similar impacts to unknown tribal cultural resources. Specifically, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources, as the extent of grading and/or excavation activities would be similar. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered tribal cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

Summary

As this alternative would have a similar area of disturbance as the proposed project, and would require similar construction activities, impacts to biological resources (e.g., potential to affect nesting avian species), cultural resources (e.g., potential to inadvertently discover unknown resources), geology and soils (paleontological resources), hazards and hazardous materials,

5.0 Alternatives

noise, and tribal cultural resources would be similar to the proposed project. However, this alternative would reduce impacts to energy conservation and climate change as this alternative would have a higher service population. ~~This alternative would also reduce VMT impacts as this alternative would generate approximately 1,367 ADT which is less than the proposed project (1,963 ADT). Although reduced compared~~ Similar to the proposed project, VMT impacts would remain significant and unavoidable.

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

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

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

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

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

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

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

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

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

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

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

Biological Resources

As the project site is largely void of biological resources, this alternative would generally not be expected to directly or indirectly impact sensitive wildlife or plant species, similar to the proposed project. As with the project, construction of this alternative would have the potential to indirectly affect avian species if determined to be present at the time construction is undertaken through the removal of onsite trees that may be used as nesting habitat by avian species. Therefore, impacts on biological resources would be considered similar to those that would result with the proposed project, and the same mitigation measures as identified with the project would be required to reduce impacts to less than significant.

Cultural Resources

As with the proposed project, construction on the subject site under this alternative would have the potential to directly and/or indirectly impact unknown cultural resources, and a similar land area would be disturbed. Therefore, similar mitigation measures as the proposed project would be required to address undiscovered cultural resources. Impacts would be similar to the proposed project and considered less than significant with mitigation incorporated.

Energy Conservation and Climate Change

While this alternative would reconfigure the project site and remove Buildings 3 and 5, the project would still be constructed at the same intensity as the proposed project because the height of the remaining buildings would be increased to accommodate the uses originally designated for Buildings 3 and 5. Even though this alternative would require a modified site plan and construction plan, it is assumed that the overall intensity of project construction would be the same under this alternative as the proposed project since the project components would be the similar.

The expanded on-site bike facilities, including bike racks installed in the commercial mixed-use area and at each of the residential buildings, proposed under this alternative would encourage the use of alternative means of transit; however, the reduction in GHG would not be expected to fall below applicable thresholds and thus impacts would remain significant.

Mitigation measure **GHG-1** requires the project applicant to purchase and retire GHG offsets to reduce the project's GHG emissions to 2.7 MTCO_{2e} per year per service population. With implementation of mitigation measure **GHG-1**, this alternative would not exceed the GHG emissions threshold from the City's CAP, and impacts would be less than significant, similar to the proposed project.

Geology and Soils (Paleontological Resources)

Impacts to paleontological resources generally occurs during ground disturbing activities (i.e., grading and excavation). Since this alternative would include construction activities similar to that of the proposed project, direct and indirect impacts to unknown paleontological resources may occur from the various subsurface construction disturbances associated with this alternative. As such, similar mitigation measures as required for the proposed project would also be required to address the recovery of unknown paleontological resources, if encountered during construction. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

Hazards and Hazardous Materials

As the existing on-site buildings would be demolished to enable construction of this alternative, similar to the proposed project, such activities may result in the potential release of hazardous substances, such as lead based paints or asbestos, due to the age of the on-site structures. As such, impacts resulting with this alternative would be similar to the proposed project and mitigation measures **HAZ-1** through **HAZ-3** would be implemented to require additional testing in order to verify the absence of lead-based paint and/or asbestos-related construction materials and any additional remediation required. Therefore, impacts would be less than significant with mitigation incorporated, similar to the proposed project.

Noise

The nearest structures are multi-family residential buildings located approximately 20 feet west of the ~~of the~~ project boundary. While this alternative would not construct Building 3 and Building 5, the buildings proposed closest to the western boundary would still be constructed. As such, it is reasonable to assume that vibration impacts from construction activities would be similar to impacts resulting with the proposed project. Therefore, mitigation measure **NOI-1** would be required to reduce vibration levels below the threshold. Vibration impacts associated with construction of this alternative would be less than significant with mitigation incorporated, similar to the proposed project.

Transportation

As this alternative would develop the site in the same intensity as the proposed project (i.e. residential uses, hotel, and commercial uses), this alternative would result in the same ADT as the proposed project. However, this alternative would include additional measures that would reduce VMT-related impacts. As compared to the measures identified in mitigation measure **TR-1**, this alternative would include expanded on-site bike facilities as compared to the project to encourage on-site employees, residents, and visitors to utilize alternative means of transit. Such

5.0 Alternatives

facilities would include bike racks installed in the commercial mixed-use area and at each of the residential buildings; storage lockers available for short-term rental; on-site bike rental or a bikeshare program (i.e., on-demand access for visitors and hotel guests); and installation of an on-site electrical bike charging station. While these measures would reduce the severity of the VMT impact, the resulting impact would still exceed thresholds and thus be considered significant and unavoidable.

Tribal Cultural Resources

As with the proposed project, construction under this alternative would have the potential to directly and/or indirectly impact unknown tribal cultural resources. As the extent of land area disturbed with this alternative and the construction methods used would be similar to that of the proposed project, the potential for impacts to occur are also considered to be similar. Therefore, similar mitigation as the proposed project would be required to reduce potential effects on undiscovered tribal cultural resources. Impacts would be similar to the proposed project and reduced to less than significant with mitigation incorporated.

Summary

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

With the implementation of enhanced measures, this alternative would reduce VMT impacts compared to the proposed project. However, impacts would remain significant and unavoidable as with the proposed project. Refer to Table 5-1, Comparison of Project Alternative Impacts to the Proposed Project.

As this alternative would support the similar uses and components as the proposed project, this alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances and dedicating 20 percent of the total number of dwelling units as affordable housing units for low-income families. However, this alternative would not meet the project objective of minimizing visual impacts of the development by locating structures of lesser height along the Highway 101 frontage to enhance the pedestrian scale, while gradually increasing building height within the interior of the development.

5.5 ALTERNATIVES CONSIDERED BUT REJECTED

In accordance with CEQA Guidelines Section 15126.6, an EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental effects. The following are brief discussions of alternatives that were considered and subsequently rejected by the City as infeasible, and thus were not further analyzed in this EIR.

Parking Reduction Alternative

For land use development projects, the Technical Advisory and Regional TIS Guidelines requires the following metrics be analyzed to determine if a project would result in a significant transportation-related impact:

- **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 6.4% which does not meet the 15% reduction threshold. As such, the proposed project would result in significant and unavoidable impacts.

Under the parking reduction alternative, transportation impacts related to VMT would be reduced compared to the proposed project. Calculations on unbundled parking can be found below:

Unbundled parking is expected to reduce VMT by 7.5% (SANDAG 2019).

5.0 Alternatives

CAPCOA calculates the VMT reduction for limited parking supply using the following equation:

$$\% \text{ VMT Reduction} = (\text{ITE Parking Generation Rate} - \text{Actual Parking Provision}) / \text{ITE Parking Trip Generation Rate} \times 0.5^2$$

The reduction is based on ITE's Parking Trip Generation Rate (not the City's Municipal Code), which is 1.5 spaces/du for mid-rise multi-family units. Below are VMT reductions for example parking ratios that are less than ITE's:

- 1.4 spaces/DU = 3.3%
- 1.3 spaces/DU = 6.7%
- 1.2 spaces/DU = 10%
- 1.1 spaces/DU = 12.5% (maximum reduction allowed)

The parking reduction alternative would provide 241 residential parking spaces, which is the minimum number of parking spaces required under the reduced parking requirements allowed under State Density Bonus law. Given that this alternative would only reduce available parking by 16 spaces, the reduction in VMT is not enough to meet the 85% threshold considering that the VMT associated with the proposed project ~~is~~ ranges from 5.7% to 31.8% ~~115%~~ above 85% of the regional mean. While there are qualitative benefits of reducing parking, such as limiting potential vehicles associated with the proposed project, there are no supported, quantifiable reductions to VMT allocable to this alternative based on meeting State Density Bonus minimum parking requirements. For these reasons, the Reduced Parking Alternative was rejected from further analysis in this EIR.

Citizen Participation Program Alternative

During the March 12, 2020 Citizen Participation Program meeting held for the proposed project, a project alternative was proposed via public comment to keep all components of the project as proposed, but to remove the residential component. As such, the Citizen Participation Program Alternative would include a ~~3430~~-room boutique resort hotel ~~(18,109 SF)~~, commercial development (18,261 SF), subterranean parking garage, a walking paseo, pedestrian plaza, and an outdoor seating area. With removal of the residential uses, this alternative would have a reduced project footprint as compared to the proposed project.

² Nelson\Nygaard, 2005. *Crediting Low-Traffic Developments* (p. 16), <http://www.montgomeryplanning.org/transportation/documents/TripGenerationAnalysisUsingURBEMIS.pdf>.

Improvements to North Coast Highway 101 to allow for adequate ingress/egress would be included in this alternative as with the proposed project. Vehicular access to the site would be provided via ~~a right turn in from the southbound lane of North Coast Highway 101 and via construction of a roundabout that would provide connection to the proposed on-site project access drive.~~ a left turn in from the northbound lane of North Coast Highway 101.

As noted above, the project site was one of 17 sites identified in the City of Encinitas HEU. The purpose of the HEU is to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing for all within the City. Mandated by State housing law, the purpose of the HEU is to ensure the City establishes policies, procedures, and incentives to increase the quality and quantity of the City's housing supply.

As this alternative would not include any residential development, it is understood that such a project would not be consistent with the City's HEU which mandated a minimum of 33 residential dwelling units on Site 1 to meet RHNA requirements and to ensure consistency with the California Department of Housing and Community Development certification of the City's HEU.

Site 1 is zoned Limited Visitor-Serving Commercial (N-LVSC) with a Coastal Zone and R-30 Zone overlay. As part of the HEU, this portion of the project site was allocated a minimum of 33 residential units if developed as mixed use with visitor-serving commercial uses and a minimum of 30 traditional overnight accommodations (City of Encinitas 2015). Site 2 is zoned Commercial Residential Mixed 1 (N-CRM-1) and has a Coastal Zone overlay and maximum density of 25 dwelling units per acre. As such, if a project on the subject site does not include residential uses, then the project would be inconsistent with underlying zoning designations for the site.

This alternative would not meet the primary project objectives, specifically of developing a mixed-use development that provides needed multi-family residential housing and dedicating 20 percent of the total number of dwelling units as affordable housing units for low income families, thereby helping to meet State-mandated affordable housing requirements and further encouraging diversity within the community.

For these reasons, this alternative was rejected from further analysis in this EIR.

Alternative Site Location Alternative

The City also considered, and ultimately rejected as infeasible, alternative site locations that may reduce proposed project impacts. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. Per CEQA Guidelines Section 15126(f)(2), only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in an EIR.

5.0 Alternatives

It is anticipated that locating the proposed project on off-site lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical characteristics of the selected site; however, due to available lands within the City of Encinitas, it is not anticipated that an alternative site would be located adjacent to Highway 101 which offers several unique characteristics that increase some environmental sensitivities (i.e., scenic corridor, overlay zones, coastal bluffs, North Highway 101 Corridor Specific Plan, etc.).

However, as Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils/paleontology, VMT, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere within the community. Because most impacts would be similar, and because the proposed project would result in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Additionally, the project site was chosen due to its proximity to the beach and other amenities that make it suitable and economically viable for visitor-serving uses such as a hotel. There is not a known alternative site in the City that could provide adequate land area and that offers proximity to desirable amenities to support the proposed hotel use and the visitor-serving commercial uses.

Further, it is likely that developing the project at an alternative location within the City of Encinitas would not meet the project objectives of providing access to significant coastal resources to low-income individuals consistent with goals and policies of the California Coastal Act or providing overnight visitor-serving accommodations (including “economy” rate guest units to ensure a full range of affordability) in accordance with the City of Encinitas Zoning Ordinance and Local Coastal Program.

For the above reasons, an off-site alternative is considered infeasible pursuant to CEQA Guidelines Section 15126.6(f). Therefore, the Alternative Site Location Alternative was rejected from further analysis in the EIR.

5.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an environmentally superior alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. The No Project Alternative is the environmentally superior alternative. However, in accordance with CEQA Guidelines Section 15126.6(e)(2), a secondary alternative must be identified if the No Project Alternative is environmentally superior.

Alternative 3, Reduced Residential/Increased Commercial, is the environmentally superior alternative as this alternative would reduce impacts to associated with VMT and energy conservation and climate change. However, although reduced compared to the proposed project, VMT impacts would remain significant and unavoidable. This alternative would meet the primary project objectives, such as designing a mixed-use development that provides needed multi-family residential housing in compliance with local and State density bonus allowances. However, as the number of dwelling units would be reduced, this alternative would dedicate fewer dwelling units as affordable housing units for low-income families as the number of affordable units is based on a percentage of the total dwelling units proposed.

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Section 6.0

Other CEQA Considerations

This section addresses those topics requiring evaluation under CEQA Guidelines Section 15126, which requires that all aspects of a project be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the EIR must also identify: (1) significant and unavoidable environmental effects of the proposed project; (2) significant irreversible environmental changes that would result from implementation of the proposed project; and (3) growth-inducing impacts of the proposed project. Each of these topics is discussed in greater detail below.

6.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Section 15126.2(a) of the CEQA Guidelines requires that an EIR discuss any significant impacts associated with the project.

Section 3.0, Environmental Analysis, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less than significant level, where feasible. The executive summary includes Table ES-1, which summarizes the environmental impacts, mitigation measures, and levels of significance before and after mitigation.

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. The environmental effects of the proposed project on various aspects of the environment are discussed in detail in Section 3.0. Based on the analysis in this EIR, all significant environmental impacts can be mitigated to a less than significant level with the exception of impact TR-1 related to vehicle miles traveled (VMT). As described in Section 3.12, Transportation, while the proposed project is located on an infill site, would contain a mix of uses on-site, includes a suite of project design features to enhance sustainability, would provide for a variety of housing types including “low” income affordable housing, and is consistent with City’s General Plan, Local Coastal Program, North Coast Highway 101 Specific Plan, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/capita and VMT/employee would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**. While the proposed project is located on an infill site; would contain a mixture of uses on-site; includes a suite of project design features to enhance sustainability; would provide for a variety of housing types including “low income” affordable housing units; and is consistent with City’s General Plan, Local Coastal Program, N101SP, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT would not be reduced to 85% of the regional average, even after implementation of mitigation measure **TR-1**.

6.2 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines requires an EIR to discuss the significant irreversible environmental changes that would result from implementation of a proposed project. Examples include a project's primary or secondary impacts that would generally commit future generations to similar uses (e.g., highway improvements at the access point); uses of nonrenewable resources during the initial and continued phases of the project (because a large commitment of such resources make removal or nonuse thereafter unlikely); and/or irreversible damage that could result from any potential environmental accidents associated with the project.

The physical effects of project implementation on the environment are addressed in Sections 3.1 to 3.14 and Chapter 4.0 of this EIR. Long-term irreversible environmental changes would result with improvements for utility connections; enhancement of existing drainage/stormwater quality conditions; an increase in local and regional traffic and associated air pollutants, greenhouse gas emissions, and noise levels; an increase in the volumes of solid waste and wastewater generated in the area; and an increase in water consumption.

Project construction and maintenance of the buildings and infrastructure proposed would require the commitment of energy, natural resources, and building materials. Nonrenewable and limited resources that would be consumed with project development would include oil, natural gas, gasoline, lumber, sand and gravel, asphalt, water, steel, and similar materials. Nonrenewable fuels would be used by construction equipment, haul trucks, and worker vehicles.

Nonrenewable energy also would be expended during the harvesting and mining of natural resources such as wood and aggregate and during the subsequent manufacturing of construction materials such as wood framing and concrete. This commitment of resources and energy would be commensurate with that of other projects of similar size but would nevertheless be irretrievable. Post-construction consumption of nonrenewable resources would include the use of electricity, natural gas, and water by project residents and visitors. This energy use would be a long-term commitment and irretrievable.

However, the proposed project would include installation of solar panels capable of generating 250 kW of solar power and 39 electric vehicle (EV) charging stations that would reduce energy demand of nonrenewable resources. Furthermore, the proposed project would incorporate other energy-saving features such as low-flow water fixtures, drought-tolerant landscaping, ENERGY STAR appliances, high-efficiency HVAC systems, and stormwater systems on-site to collect, filter, and reuse captured stormwater in landscaped areas. The proposed project would also include a TDM Program to reduce VMT and associated air pollution, and greenhouse gas emissions. Refer to Section 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change;

Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems, for additional discussion.

The proposed project would not result in an unusually high demand for nonrenewable resources and would be consistent with applicable state and local goals and policies directed at reducing reliance on fossil fuels and encouraging renewable energy. The proposed project would meet or exceed 2019 Title 24 energy efficiency requirements, resulting in homes that are approximately 20 percent more energy efficient than homes constructed prior to January 1, 2017; refer to Section 3.5, Energy Conservation and Climate Change, for additional discussion.

6.3 GROWTH-INDUCING IMPACTS

CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area).
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment).
- Fosters population growth (e.g., constructs additional housing), either directly or indirectly.
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval).
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project).

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

6.0 Other CEQA Considerations

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 commercial uses which are currently served by existing utility infrastructure and adequate public services (e.g., required fire service response times can be met without new or expanded facilities or personnel). Further, utilities would be sized only to accommodate the proposed project and would not provide for additional capacity that may induce new development. As such, the proposed project would not be expected to induce growth as a result of new infrastructure or services.

Obstacles to surrounding the project site are primarily due to the existing developed condition of the surrounding area, feasibility of development, economic constraints, permitting, or other development restrictions and regulations promulgated by local agencies. The proposed project is consistent with, and would not modify, approved land use and zoning designations and therefore, would not foster growth, remove direct growth constraints, or add a direct stimulus to growth. Therefore, growth-inducing impacts are precluded because the infrastructure is sized to serve the proposed project and because the project would not affect the feasibility of development in the area, remove an obstacle to growth, or affect local agencies’ development restrictions.

Economic Growth

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and/or regulatory policies or conditions.

The proposed project would have the potential to result in economic growth through the construction of a mixture of residential and commercial uses, including anticipated on-site restaurants/eateries and commercial services (including office space), and common public use areas. Project construction would be performed by independent contractors hired by the developer. In general, construction workers would be drawn from the local labor pool. If contract workers were employed, they would not cause growth in the area due to the short-term and temporary nature of their employment. Operation of the proposed project is anticipated to result in approximately 62 full-time permanent employees that are expected to be filled by the local workforce. Given the temporary nature of construction and that number of permanent employees and, the proposed project is not expected to significantly affect economic growth in the City.

~~Homeowners would pay property~~ New residents of the for-lease apartments would contribute to local taxes, and hotel visitors would pay transient occupancy tax to the City that would improve the financial resources of the City. Residents and visitors of the proposed project would also support the local economy by shopping at local businesses and paying sales taxes. Therefore, the proposed project would support the local economy in the short and long term.

Population Growth

CEQA requires the consideration of the potential direct and indirect growth-inducing impacts of a proposed project. The proposed project consists of 94 for lease apartment units, ~~30-34~~ hotel rooms and 18,261 square feet of commercial space. According to the HEU, Site 1 (Parcels 1 and 2) of project site is designated with an R-30 overlay, which allocated a minimum of 33 residential dwelling units at the site, if also developed with visitor-serving mixed uses. Site 2 (Parcel 3) allows for maximum density of 25 dwelling units per acre. Together, the two sites would permit up to 153 units through the application of a Density Bonus.

The proposed project would construct 194 leased homes, which represents approximately 60% of permitted intensity on the project site. As a result, the proposed project would increase the City population by 236 residents which would represent approximately less than a 1% increase

6.0 Other CEQA Considerations

in the City's population (refer to Section 4.3, Population and Housing). It is noted that due to the inclusion of 19 affordable housing units, some portion of the project residents may already live in the City in larger households and qualify as eligible to rent one of the very-low income rental units; therefore, this population estimate is considered conservative.

Operation of the proposed project is anticipated to result in approximately an increase of 38 new permanent employees (e.g., net increase over existing conditions, or 62 employees for the project minus 24 employees for the existing uses). ~~62 full-time permanent employees that are~~ It is anticipated that such positions would be expected to be filled by the local workforce. The environmental effects of increasing the City's population due to development of the project site are evaluated in this EIR in Sections 3.1 to 3.14 and Chapter 4.0, in particular Sections 3.2, Air Quality; Section 3.5, Energy Conservation and Climate Change; Section 3.10, Noise; Section 3.11; Public Services and Recreation; Section 3.12, Transportation; and Section 3.14, Utilities and Service Systems. Mitigation measures are identified where appropriate to reduce such effects to a less than significant level. All impacts would be less than significant, with the exception of transportation impacts related to VMT, which would remain significant and unavoidable (refer to Section 3.12, Transportation).

Establishment of a Precedent-Setting Action

A Density Bonus Tentative Map, Coastal Development Permit, Design Review, and other discretionary approvals are required to allow for the proposed development. These actions are not considered precedent-setting actions (defined as any act, decision, or case that serves as a guide or justification for subsequent situations), as they are commonly undertaken on a regular basis by many jurisdictions.

All future discretionary projects in the project area would be processed through the City and evaluated for consistency with the General Plan, as appropriate. Such projects would be evaluated for growth-inducing effects and their potential to enable or encourage growth not intended or anticipated with buildout of the General Plan. Development of the proposed project would be consistent with the City's General Plan, Local Coastal Program, and HEU as the project site is designated with an R-30 overlay. Therefore, approval of the project would not represent a precedent-setting action that would encourage or allow for unplanned future growth within the area.

7.1 ENVIRONMENTAL IMPACT REPORT

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Executive Summary

No references cited.

1.0 Introduction

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6.0 Other CEQA Considerations

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7.0 Preparers and Persons Consulted

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