DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TORREY CREST RESIDENTIAL SUBDIVISION PROJECT

VOLUME I

SCH NO. 2022050126

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APRIL 2024

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ACRONYMS AND ABBREVIATIONS

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ADA	Americans with Disabilities Act
ADT	average daily trips
ADU	Accessory Dwelling Unit
AFY	Acre feet per year
AMR	American Medical Response
APN	Accessor's Parcel Number
AQMP	Air Quality Management Plan
ASTM	American Society for Testing and Materials
ATP	City of Encinitas Active Transportation Plan
AWSC	All Way Stop Control
BAU	Business as usual
BLM	Bureau of Land Management
BMPs	Best Management Practices
B.P.	Before Present (Before Present Time)
CalEEMod	California Emission Estimator Model
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CAT	Climate Action Team
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
C&D	Construction and Demolition Debris
CEC	California Energy Commission
CEUS	California Commercial End Use Survey
CEQA	California Environmental Quality Act
CESA	Cumulative Effects Study Area
CESA	California Endangered Species Act
CIWMA	California Integrated Waste Management Act
City	City of Encinitas

ACRONYMS AND ABBREVIATIONS

CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CPP	Citizen Participation Program
CO	Carbon Monoxide
CO_2	carbon dioxide
CO_2E	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CRHR	California Register of Historic Resources
CPP	Citizen Participation Program
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
CWMARA	Carlsbad Watershed Management Area Responsible Agencies
CY	cubic yard
dB	Decibels
dBA	A-Weighted Sound Level
DDD	dichlorodiphenyldichloroethane
DDE	Dichlorodiphenyldichloroethylene
DDT	dichlorodiphenyltrichloroethane
DEHQ	Department of Environmental Health (County of San Diego)
DNE	Does Not Exist
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
EA	Environmental Assessment
EIR	Environmental Impact Report
EMC	Encinitas Municipal Code
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Federal Endangered Species Act
ESA	Environmental Site Assessment
EUSD	Encinitas Union School District
EWPCF	Encina Water Pollution Control Facility
FEMA	Federal Emergency Management Agency
FGC	California Fish and Game Code
FHWA	Federal Highway Administration

ACRONYMS AND ABBREVIATIONS

FMMP	Farmland Mapping and Monitoring Program
FPA	Focused Planning Area
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
General Plan	The City of Encinitas General Plan
GHG	greenhouse gas
GLO	General Land Office
gpd	gallons per day
HCA	Housing Crisis Act of 2019
HEU	Housing Element Update
HOA	Home Owners Association
I-5	Interstate 5
IBC	International Building Code
ITE	Institute of Transportation Engineers
KOPs	Key observation points
kW	Kilowatt
lbs	Pounds
LCP	Local Coastal Program
Ldn	Day-Night Average Level
Leq	Equivalent Sound Pressure Level
Lmax	Maximum Sound Pressure Level
Lmin	Minimum Sound Pressure Level
LOS	Level of Service
LUP	Local Coastal Program Land Use Plan
LTA	Local Transportation Analysis
LTS	Finding of less than significant impact
LTS-MM	Finding of less than significant impact with mitigation measure
LUP	Land Use Plan
MBTA	Migratory Bird Treaty Act
MHCP	Multiple Habitat Conservation Program
MHMP	Multi-Jurisdictional Hazard Mitigation Plan
MPO	Metropolitan Planning Organizations
MS4	municipal separate storm sewer system
MSL	mean seal level
MT	Metric Tons

ACRONYMS AND ABBREVIATIONS

N_2O	nitrous oxides
NA	Not Applicable
NAGPRA	Native American Grave Protection and Repatriation Act
NAHC	Native American Heritage Commission
NHRP	National Register of Historic Places
NI	Finding of no environmental impact
NOC	Notice of Completion
NO_x	Nitrogen Oxides
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OCP	organochlorine pesticide
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PM_{10}	Particulate Matter (10 microns in diameter or less)
$PM_{2.5}$	Particulate Matter (2.5 microns in diameter or less)
POTWs	publicly owned treatment works
PPE	personal protective equipment
ppm	parts per million
PRC	Public Resources Code
PVC	polyvinyl chloride
R3	Residential 3 Use
RAQS	San Diego Regional Air Quality Strategy
RCP	Regional Comprehensive Plan
RCRA	Resource Conservation and Recovery Act
RASS	Residential Appliance Saturation Survey
REC	Recognized Environmental Condition
RME	Resource Management Element
RMS	root mean squared
ROW	Right of Way
RTP	Regional Transportation Plan
RUC	road user charge
RWQCB	Regional Water Quality Control Board
SAM	Site Assessment and Mitigation
SANDAG	San Diego Association of Governments

ACRONYMS AND ABBREVIATIONS

SANGIS	San Diego Geographic Information Source
SB	Senate Bill
SCIC	South Coastal Information Center
SCS	Sustainable Communities Strategy
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SDBL	California State Density Bonus Law
SDUHSD	San Dieguito Union High School District
SDWD	San Dieguito Water District
SF	square feet
SIP	State Implementation Plan
SLF	Sacred Lands File
SRF	Single Family Residence
STC	Sound Transmission Class
SU	Finding of significant and unmitigable impact
SWPPP	Stormwater Pollution Prevention Plan
SWQMP	Project Stormwater Quality Management Plan
SWRCB	State Water Resources Control Board
TCA	traditionally and culturally affiliated
TCR	Tribal Cultural Resource
TMDLs	Total maximum daily loads
TNM	Traffic Noise Model
TPPP	Tree Protection and Presentation Plan
TPZ	Tree Protection Zone
TUA	Traditional Use Area
TWSC	Two Way Stop Control
URMP	Urban Forest Management Program
USEPA	United States Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geological Survey
V/C	Vehicle-to-Capacity ratio
VdB	vibration decibels
VMT	Vehicle miles traveled
WMA	Water Management Area
WQIP	Water Quality Improvement Plan

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DRAFT
ENVIRONMENTAL IMPACT REPORT

TORREY CREST RESIDENTIAL
DENSITY BONUS SUBDIVISION PROJECT
ENCINITAS, CALIFORNIA

Case No: MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, and CDPNF-004312-2021

SCH No. 2022050126

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APRIL 2024

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EXECUTIVE SUMMARY

This Environmental Impact Report (EIR) has been prepared for the Torrey Crest Residential Subdivision Project, a development project located in Encinitas, CA. This document analyzes the potential environmental effects associated with implementation of the Project (including direct and indirect impacts, secondary impacts, and cumulative effects).

ES.1 Purpose and Scope of the Environmental Impact Report

This Environmental Impact Report (EIR) has been prepared for the City of Encinitas (City), acting as the lead agency under California Environmental Quality Act (CEQA) Guidelines Sections 15050 and 15367, to analyze the potential environmental effects associated with implementation of the proposed Torrey Crest Residential Subdivision 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.

This EIR provides decision-makers, public agencies, and the public in general with detailed information about the potential significant adverse environmental impacts of the proposed Torrey Crest Residential Subdivision Project. By recognizing the environmental impacts of the proposed Project, decisionmakers will have a better understanding of the physical and environmental changes that would accompany the Project should it be approved. The EIR includes recommended mitigation measures which, when implemented, would provide the lead agency with ways to substantially lessen or avoid significant effects of the Project on the environment, whenever feasible. Alternatives to the proposed Project are presented to evaluate alternative development scenarios that can further reduce or avoid significant impacts associated with the Project.

In accordance with Section 15082 of the CEQA Guidelines, the City prepared and distributed a Notice of Preparation (NOP) for the proposed Project that was circulated for public review on May 6, 2022. The NOP comment period is intended to notify responsible agencies, trustee agencies, and the public that the City, acting as the lead agency, was going to prepare an EIR. The scope of the analysis for this EIR was determined by the City as a result of initial project review and consideration of agency and public comments received in response to the NOP. A copy of the NOP and comments received during the public comment period are included in Appendix A-1 to this EIR

The City will consider the information in the EIR, public and agency comments on the EIR, and testimony at public hearings in their decision-making process. As a legislative action, the final decision to approve, conditionally approve, or deny the proposed Project is made by the Planning Commission (unless the action taken by the Planning Commission is appealed to the City Council). Other discretionary actions, approvals and permits are described in Chapter 2.0, Project Description.

ES.2 Project Location and Setting

The Project site is located within the community of Old Encinitas, in San Diego County (Assessor Parcel Numbers [APNs] 259-180-09-00, -10-00, -16-00, -33-00; 259-181-02-00, -03-00, -04-00). Encinitas is surrounded by the cities of Carlsbad to the north and Solana Beach to the south, the unincorporated community of Olivenhain to the east, and the Pacific Ocean to the west.

ES.2 Project Objectives

The objectives of the Project are identified below.

- Provide residential single family dwelling units consistent with the density of the Encinitas General Plan, zoning in the Municipal Code, and California State Density Bonus Law to help meet the current demand for affordable and market rate for-sale single family homes.
- Provide affordable housing within a housing development project, thereby helping to meet the City's state-mandated affordable housing requirements and further encouraging diversity within the community.
- Ensure an economically viable project by locating development in areas that have existing capacity to accommodate the required infrastructure and public services to serve a housing development project.
- Locate housing in areas to maintain or enhance community access and mobility networks, including proximity to transit, Interstate 5, local business, shopping, schools, and health care.
- Locate a housing development project the maximum number of residential single family dwelling units with practical pedestrian access to high school, middle school, elementary school, pre-school, and the Encinitas Community and Senior Center.
- Create an economically viable project that can be realistically implemented within current and projected economic conditions.

ES.4 Project Synopsis

The Torrey Pacific Corporation (Applicant) proposes the subdivision of an approximately 6.646-gross acre site to accommodate a housing development project consisting of a for-sale single-family residential project in the City of Encinitas. The proposed Torrey Crest Residential Subdivision (Project or proposed Project) consist of 30 detached single-family residences, of which 27 would be

market-rate units and three (3) would be affordable units dedicated to "very-low-income" qualifying households.

Other improvements include construction of a new private access road (which access to the new development will be taken from), associated utilities, drainage, and storm water treatment improvements and landscaping. All improvements would be required to comply with the latest California Building Code (CBC) and Americans with Disabilities Act (ADA).

A Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit are required to allow for the proposed development (MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, CDPNF-004312-2021). The Density Bonus Tentative Map would subdivide the existing property into multiple parcels. The Design Review Permit is required to ensure project consistency with design review guidelines established by the City of Encinitas. Due the project site's location within the Coastal Zone, a Coastal Development Permit is also required.

The Project includes a Senate Bill 330 (SB 330) application, deemed complete on April 21, 2021.

ES.5 Summary of Significant Impacts and Mitigation Measures

Chapter 3.0 of this EIR presents the Environmental Analysis of the proposed Project. Based on the analysis contained in Chapter 3.0 of this EIR, the proposed Torrey Crest Residential Subdivision Project would result in the potential for significant impacts to aesthetics/community character, biological resources, cultural resources, geology and soils, hazardous and hazardous materials, noise, and tribal cultural resources. Mitigation measures have been identified which would reduce impacts to biological resources, cultural resources, geology and soils, hazardous and hazardous materials, noise, and tribal cultural resources to below a level of significance.

Table ES-1 summarizes the potential environmental impacts of the Torrey Crest Residential Subdivision Project by impact area. It also provides a summary of the mitigation measures proposed to avoid or reduce significant adverse impacts and the level of significance after mitigation.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
3.1 AESTHETICS/COMMUNITY CHARACTER			
Impact 3.1-1: Have a substantial adverse effect on a scenic vista.	Less Than Significant.	None.	Less Than Significant.
Impact 3.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	Less Than Significant.	None.	Less Than Significant.
Impact 3.1-3: Substantially degrade the existing visual character or quality of public views of the site and its surroundings.	Less Than Significant.	None.	Less Than Significant.
Impact 3.1-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	Less Than Significant.	None.	Less Than Significant.
3.2 BIOLOGICAL RESOURCES			
Impact 3.2-1: 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 U.S. Fish and Wildlife Service.	Potential significant impacts to impacts to raptors and migratory birds if construction occurs during the birth nesting/breeding season (generally February 1, through August 31; January 1, for raptors)	**MM BIO-1: Pre-Construction General Nesting Bird Survey** Construction activities for the Project should commence outside of the bird breeding season (generally February 1 through August 31; January 1 for raptors). If activities associated with vegetation/tree removal, clearing, grubbing, demolition, grading, staging or other construction activities are planned to occur during the bird nesting/breeding season, a bird nesting survey shall be conducted by a qualified biologist no more than 72-hours prior to commencement of the construction activities to determine presence or absence of nesting birds or active nests within the proposed area of disturbance plus a 500-foot buffer and a 250-foot buffer for non-listed bird species. Inaccessible parts of the survey area shall be scanned using binoculars to ensure 100 percent	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		visual coverage. The qualified biologist shall be familiar with the identification of bird species known to occur in southern California communities. If no nesting birds or active nests are found, the Applicant shall submit the results of the Pre-Construction survey to the Development Services Department and wildlife agencies for review and approval prior to initiating any construction activities and no further mitigation would be required. If active nests (those containing eggs, nestlings, or associated with dependent fledglings) of bird species covered by the Migratory Bird Treaty Act are detected within the proposed area of disturbance during the 10-day preconstruction survey: • Construction activities shall stay outside a 250-foot avoidance buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. A biological monitor shall delineate the boundaries of an avoidance buffer area with (highly visible construction fencing or other exclusionary material that would inhibit entry by personnel or equipment into the buffer zone) and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activity. Once the young have fledged and the qualified biologist has determined the nest is inactive, normal construction activities can occur. • The biologist and Project Applicant shall postpone construction activity within the buffer area(s) and contact the wildlife agencies and the City's Development Services Department to discuss: 1) the best approach to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), and 2) a monitoring program acceptable to the	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		wildlife agencies. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. • Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies. • No project activity shall occur inside an avoidance buffer until the biologist determines that the nest is no longer active. **Reporting.** Within 30 days of the completion of the monitoring efforts, the Project Applicant shall submit a Final Bird Survey Monitoring Report prepared by the project biologist to the wildlife agencies and City's Development Services Department. The report shall include documentation of all bird survey, monitoring activities, coordination efforts with the wildlife agencies, as-built construction drawings with an overlay of any active nests in the survey areas, photographs of habitat areas during pre-construction and post-construction conditions, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance was achieved.	
Impact 3.2-2: Have a substantial adverse effect on any riparian habitat	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.			
Impact 3.2-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	Less Than Significant.	None.	Less Than Significant.
Impact 3.2-4: 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.	Less Than Significant	None.	Less Than Significant.
Impact 3.2-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Potentially Significant.	**MM BIO-2: Tree Protection Plan for Off-site Trees to be Retained** Prior to grading or building permit issuance, a Tree Protection plan for on-site and off-site Trees to be retained shall be prepared by a certified arborist for review and approved by the City Arborist. The tree protection plan shall incorporate the recommendations of the Torrey Crest *Tree Survey* (Wisnieski & Associates, 2023) and include the following:	Less Than Significant.

		1. Verification of Tree Protection The Project Arborist shall verify, in writing, that all preconstruction conditions have been met (pruning and tree protection fencing) and are in place. Written verification must be submitted to and approved by the Planning Department prior to demolition, grading or building permit issuance. Prior to the installation of the tree protective fencing, the pruning of trees to remain shall be completed. After the pruning work is completed, spread organic wood chip mulch to a depth of three inches inside the TPZ. Keep the mulch at least two-feet away from the trunks of the trees and do not allow it to cover the root collars. Use wood chips from the tree pruning and tree removals. **2. Pre-Construction Meeting** The demolition, grading and underground contractors, construction superintendent and City planning representative shall meet with the Project Arborist at the site prior to beginning work to review procedures, tree protection measures and establish haul routes, staging areas, contacts, and watering requirements. The meeting shall be held prior to the start of any construction work. A proposed work schedule and co-ordination for tree pruning and removal, tree protection fencing, and spreading wood chips shall be discussed. **3. Protective Tree Fencing for Protected Trees** Fenced enclosures shall be erected around trees to be protected to achieve three primary goals: (1) to keep the foliage crowns and branching structure clear from contact by equipment, materials and activities; (2) to preserve roots and soil conditions in an intact and non-compacted state and; (3) to identify the tree protection zone (TPZ) in which no soil disturbance is permitted and activities are restricted, unless otherwise approved by the Project Arborist. The TPZ fencing shall be six-foot high chain link fencing. The fence shall remain in place for the life of the Project or until final	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		improvement work in the area is required, usually near the end of the Project. The Project Arborist must be consulted for approval before the fence is removed. **4. Tree Protection Zone (TPZ)** Each tree to be retained shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots. The TPZ shall be shown on all site plans for the Project. Unless otherwise specified, the protective fencing shall serve as the TPZ. **5. Tree Pruning and Removal** Prior to the commencement of construction and/or land disturbance or vegetation removal activities , all trees to be protected and preserved shall be pruned by crown cleaning to remove all dead, dying, diseased and crossing branches. Other specific trees may require that branches be pruned clear from future structures or to allow for equipment access. All tree work shall be done by a certified arborist or by a certified tree worker under the full time supervision of a certified arborist. All pruning work shall be performed in accordance with the current published American National Standard for Pruning, American National Standard for Arboricultural Operations – Safety Requirements and Best Management Practices - Tree Pruning. If possible, the chipped tree material shall be stock piled on site for use as the organic mulch in the TPZ. **6. Trenching and Excavation near Protected Trees** The Construction Contractor shall notify the Project Arborist a minimum of 48 hours in advance of any activity in the TPZ so	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		that the Project Arborist can arrange to be on site and observe the work. **7. Root Severance** Roots that are encountered shall be cut to sound wood by sharp pruning implements designed for tree pruning work. **8. Monthly Inspection Reports** During the term of this project, monthly inspections and reports for the protected trees specifying the current conditions, any change in condition, recommended actions and to verify that the required tree protection is being maintained, shall be performed by the Project Arborist and emailed to the designated Project Planner. **9. Irrigation and Maintenance** It is expected that the adjacent property owners that share a boundary line tree, or have a tree that over hangs the Project property line, would continue to irrigate and maintain their side of the tree. Temporary irrigation systems would be used on the Project side of the protected trees to provide regular watering as required. **10. Mulch** Within the project's property boundaries, 2"-6" of mulch will be placed in the TPZ after installation of the TPZ fencing. **11. Reporting.** Prior to the commencement of demolition activities, the Project Arborist shall conduct an initial inspection of the project site and	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		submit a written report to the City Arborist verifying that all pre-construction conditions have been met, including, but not necessarily limited to the installation of tree fencing, erosion control, and implementation of prescribed pruning, etc.	
Impact 3.2-6: Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	Less Than Significant.	None.	Less Than Significant.
3.3 CULTURAL RESOURCES			
Impact 3.3-1: Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.	Less Than Significant.	None.	Less Than Significant.
Impact 3.3-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Potentially Significant.	**MM CUL-1: Cultural Resources Construction Monitoring** Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in MM CUL-2 through MM CUL-8 below shall be undertaken by the Applicant and/or Owner. **MM CUL-2: Cultural Resource Monitoring Program** A Cultural Resource Mitigation Monitoring Program shall be conducted to provide for the identification, evaluation, treatment,	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		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 TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure; grading or any other ground disturbing or altering activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related road improvements. Other tasks of the monitoring program shall include the following: • 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	

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		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 is required, then the TCA tribe 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. **MM CUL-3: Pre-Excavation Agreement** Prior to the issuance of a Grading Permit, and subject to approval of terms by the City, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the TCA tribe. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor,	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		and the tribe for the protection and treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the proposed Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities. **MM CUL-4: Retain Qualified Archaeologist and TCA Native American Monitor** Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City's Development Services Director, stating that a City-approved Qualified Archaeologist and a TCA Native American Monitor have been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement. A copy of the letter shall be included in the Grading Plan Submittals for the Grading Permit. **MM CUL-5: Prepare Controlled Grade Procedure** Prior to the issuance of a Grading Permit, and in order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American Monitor, and the Applicant or Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		disturbing work with machinery occurring in and around areas the Qualified Archaeologist and TCA Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Procedure shall be included in the Grading Plan Submittals for the Grading Permit. **MM CUL-6: 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. **MM CUL-7: Disposition of 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 TCA 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	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		American Heritage Commission per California Public Resources Code Section 5097.98. **MM CUL-8: 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	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		the analysis of the remains shall only occur on-site in the presence of the TCA Native American Monitor.	
Impact 3.4-3: Disturb any human remains, including those interred outside of formal cemeteries.	Potentially Significant.	**MM CUL-1 through MM CUL-8.**	Less Than Significant.
3.4 GEOLOGY AND SOILS			
Impact 3.4-1a: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault.	Less Than Significant.	None.	Less Than Significant.
Impact 3.4-1b: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking.	Less Than Significant.	None.	Less Than Significant.
Impact 3.4-1c: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction.	Less Than Significant.	None.	Less Than Significant.
Impact 3.4-1d: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.	Less Than Significant.	None.	Less Than Significant.
Impact 3.4-2: Result in substantial soil erosion or the loss of topsoil.	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.4-3: 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.	Less Than Significant.
Impact 3.4-4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	Less Than Significant.	None.	Less Than Significant.
Impact 3.4-5: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Potentially Significant.	**MM GEO-1: Paleontological Data Recovery and Monitoring Plan** Prior to grading permit issuance, a Data Recovery and Monitoring Plan shall be prepared which will be implemented during grading, excavation and construction activities, to the satisfaction of the City. The Plan shall document paleontological recovery methods and consist of the following measures, which shall be included on Project grading plans to the satisfaction of the City: 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 City's Development Services Department: a. The Project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an M.S. or Ph.D. degree in	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the Project pre-construction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic deposits. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		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.	
3.5 HAZARDOUS AND HAZARDOUS MATERIALS			
Impact 3.5-1: Create a significant hazard to the public or the	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
environment through the routine transport, use, or disposal of hazardous materials.			
Impact 3.5-2: 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.	Potentially Significant.	**MM HAZ-1: Soil Remediation and Removal Plan** Prior to grading permit issuance, the Project applicant shall demonstrate that a qualified consultant has been retained to prepare and ensure implementation of the approved Soil Remediation Plan. The Project applicant shall be responsible for ensuring all provisions of the Soil Remediation Plan are implemented to the satisfaction of the San Diego County Department of Environmental Health (DEH) and the City of Encinitas Development Services Department. The following remediation measures contained in the approved Soil Remediation and Removal Plan shall be included in the Project's grading plans to the satisfaction of the Development Services Department and DEH: **Public Notification** In accordance with DEH requires that a public notice be provided to the properties adjacent to (within line of sight of) the Site a minimum of 5 days prior to excavating the pesticide-impacted soil. The notice should also be posted at the Site informing the community of the soil remediation and include contact information for the environmental consultant performing the work, developer, and DEH case worker. **Storm Water Protection** Storm water best management practices (BMPs) shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets.	Less Than Significant.

		Impacted and Decontamination Areas Entry into impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. These areas shall be marked (as exclusion zones) in the field using stakes, ribbon and/or high visibility paint. Equipment and trucks that are used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of the excavations, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination shall be added to the pesticide- impacted soil stockpiles or placed in the encapsulation area. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite. **Dust Control** The contractor shall use water to effectively minimize generation of airborne dust during soil excavation, handling, disposal and/or encapsulation. Water shall be sprayed prior to daily work activities, during excavation, handling, disposal and/or encapsulation; temporarily stockpiled soil shall be sprayed and then covered with Visqueen or a 1-foot clean soil cap. Consideration shall be made to pre-watering the excavation areas prior to excavation to minimize generation of airborne dust. Remediation shall be halted during high wind conditions where the use of engineering controls (i.e. wet methods) cannot effectively maintain dust at levels less than the Fence Line Action Levels specified in the Community Health and Safety Plan (CHSP).	

		Airborne Dust Monitoring and Sampling As described in the CHSP (*Appendix A*), airborne dust monitoring and sampling will be performed during excavation and handling of pesticide-impacted soil. **Offsite Disposal of Chlordane-Impacted Soil Exceeding 10,000 µg/kg** The estimated 200 cubic yards of pesticide-impacted soil present within the upper 1-foot of the former flower beds adjacent to the main house and garage at 1190 Island View Lane, which exceeds 10,000 µg/kg for chlordane (areas shown in pink on Figure 1), will require disposal at an appropriate offsite waste disposal facility. The impacted soil shall be excavated and temporarily stockpiled to be characterized for waste disposal. The excavated soil shall be temporarily stockpiled at a designated staging area on Visqueen and then covered with Visqueen to minimize potential sediment in storm water run-off and airborne dust generation. Following acceptance at a waste disposal facility, the impacted soil shall be transported to the disposal facility by a licensed Class A-HAZ subcontractor for disposal. **Onsite Encapsulation of Non-Hazardous Pesticide-Impacted Soil** The estimated 800 cubic yards of non-hazardous (see discussion below), pesticide-impacted soil identified around the structures at 1190 Island View Lane can be excavated and encapsulated onsite beneath a clean soil cover to mitigate potential health risks to future site occupants. The extent of the remedial encapsulation area is shown on Figure 3.5-4 The proposed encapsulation area was selected by Pasco Laret Suiter & Associates, the project Civil Engineer, based on the volume of the impacted soil, criteria listed below and low likelihood of encountering the impacted soil during future site improvements (landscaping, underground utilities, etc.) and shall be approved by the DEH. If additional pesticide-impacted soil is	

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		identified during excavation and/or through confirmation sampling, the encapsulation area may need to be increased to accommodate the additional volume of soil to maintain the requirements described below. Encapsulation of the pesticide-impacted soil will require the following: • The impacted soil shall be placed a minimum of 7 feet below finish grade and face of slopes, including 3 feet below the deepest utility. A clean soil cap shall be placed above the impacted soil which does not contain pesticides at concentrations exceeding their respective PALs. • The impacted soil shall be placed a minimum of 5 feet above groundwater or any engineered drainage structures. Groundwater was not encountered during our previous geotechnical investigation and is anticipated to be deeper than 50 feet below existing grade. • The bottom and top of the encapsulation area shall be surveyed to document the lateral and vertical limits of the encapsulated impacted soil. • A visual barrier (i.e. Visqueen, geotextile fabric) shall be placed on top of the impacted soil prior to capping with clean soil. • Confirmation soil sampling and analysis would be conducted to verify that the project action levels (PALs) shown on Table 5 of the Soil Remediation Plan have been met in the excavation bottoms.	

		Confirmation Sampling Confirmation soil samples shall be collected from the base and sidewalls (where appropriate) within the pesticide-impacted soil excavations. Conformation samples would also be collected at 3 feet below Sample S22 and along the northern perimeter adjacent to the school as specifically requested by the DEH. The samples would be collected using a decontaminated trowel or hand auger and placed directly into laboratory-provided sampling jars, properly labeled, and placed in a chilled cooler for transport to a State-certified laboratory under chain-of-custody protocol. The samples will be analyzed for pesticides by USEPA Test Method 8081A. If pesticides are detected in the confirmation soil samples at concentrations exceeding their respective PALs, then additional excavation and confirmation sampling would be required until the PAL is met. Additional grading (i.e. fill placement) within the impacted area shall not be performed until test results from the confirmation sampling have been received. **Soil Remediation Report** Upon completion of the remediation activities a Soil Remediation Report documenting that the remedial work was conducted pursuant with this SRP shall be prepared and submitted to the DEH for review and a request for case closure for the Site. Prior to building permit issuance, the Project applicant shall submit a "Closure Letter" issued by the San Diego County DEH to the Encinitas Development Services Department. **MM HAZ-2: Community Health and Safety Plan** Prior to the issuance of building permits, the Community Health and Safety Plan approved by DEH shall be implemented to minimize the potential for exposure to pesticides during disturbance of pesticide-impacted soil at the Project Site.	

		Personnel Training Site employees shall attend the pre-construction meeting prior to starting the project. The meeting shall review the elements of the CHSP, including the location of potential health and safety hazards on the Site and requirements of the CHSP. Site employees working directly with or handling pesticide- impacted soil shall provide evidence of completion of the applicable training requirements outlined in T8 CCR §5192(e) - Training (24-hour Certificate and current annual Refresher Training). **Soil Hazards And Prevention Measures** To reduce potential exposure to pesticides, site employees working directly with or handling pesticide- impacted soil shall use safe work practices that include proper personal protective equipment (gloves, eye wear, boots, proper clothing), personal hygiene practices (i.e. hand washing), and the use of water to allay potential airborne dust shall be implemented. As mentioned previously, contractors and other subconsultants shall implement their own health and safety plan, which takes into consideration the potential exposure to the pesticides listed above. **Site Preparation and Security Measures** Prior to equipment mobilization for the proposed remedial activities, site preparation may include site inspections, surveying, boundary staking, sampling, utility connections or disconnections, and fencing installation. Formal work (regulated) zones shall be established at the Site prior to the start of soil excavation. **Storm Water Protection** Storm water best management practices shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets. **Decontamination Area** Entry into pesticide-impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. Equipment and trucks that are	

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of excavation, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination activities shall be added to the pesticide-impacted soil encapsulation area or disposal stockpile. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite. **Airborne Dust Control** Procedures including the use of water as a dust suppressant to minimize dust generation during the soil removal activities shall be implemented to adhere with San Diego Air Pollution Control District Rule 55 for fugitive dust control (see Attachment B). Water shall be sprayed prior to daily work activities, during excavation/loading and placement activities. Watering equipment shall be continuously available to provide proper dust control. Water shall be applied in sufficient quantities to prevent visible dust emissions but not heavy enough to create runoff or soil erosion, which could spread pesticide-impacted soil to other portions of the Site or offsite. Remedial operations shall not be performed during periods of high winds where the use of engineering controls are ineffective in maintaining dust levels. If visible dust is observed, the remediation work will be halted until the use of engineering controls (i.e. wet methods) can effectively prevent fugitive dust emissions.	

		Perimeter Air Monitoring Perimeter air monitoring shall be performed during site activities in which pesticide-impacted soil is being disturbed or handled. The purpose of real-time monitoring for airborne dust is to ensure that "wet methods" utilized during remedial activities are effective in mitigating potential offsite transport of airborne dust from the Site. Perimeter air monitoring includes active monitoring of upwind (background) and downwind perimeter ("fence line") dust levels closest to the nearest residences or receptors. **Airborne Dust Monitoring Procedures** Perimeter airborne dust monitoring during the remediation activities shall include one upwind (background) location and two downwind locations, including an additional monitor along the northern perimeter adjacent to Oak Crest Middle School. Wind direction data recorded at the weather station at Carlsbad McClellan-Palomar Airport (KCRQ) approximately 6 miles north of the Site, (http://w1.weather.gov/data/obhistory/KCRQ.html) indicates the predominant wind direction in the site vicinity is from the west. Ambient air monitoring shall be performed during excavation and handling of the pesticide-impacted soil on Site. The real-time monitors shall be zeroed according to the manufacturer's instructions, calibrated to the appropriate flow rate, and programmed to log total dust levels every 60 seconds. Air sampling shall also be performed concurrently during the real time air monitoring. Air samples shall be collected prior and during the excavation activities of pesticide-impacted soil on the Site. Sampling shall consist of pumping air over a filter/solid sorbent tube, which will be analyzed for pesticides in general accordance with National Institute of Occupational Safety and Health (NIOSH) Method 5600 on an expedited turnaround time.	

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		The fence line dust action level (FLAL) for chlordane shall be 0.325 mg/m3. If the FLAL is met or exceeded, then remedial operations shall be stopped until engineering controls (water spray) are increased to effectively lower the FLAL. Remedial operations shall not be performed during periods of high winds where the use of engineering controls (i.e. wet methods) are ineffective in maintaining dust levels below the FLAL. Areas of disturbed impacted soil shall be moisture-conditioned or temporarily covered with plastic sheeting until such time that onsite dust conditions allow work to resume. During non-working hours (i.e. evenings and weekends) a water truck shall remain onsite and personnel available on-call if high winds are forecasted. **MM HAZ-3 Asbestos and Lead Material Survey** 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). 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.	

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		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.	
Impact 3.5-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-4: 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, would it create a significant hazard to the public or the environment.	Less Than Significant.	None.	Less Than Significant.
Impact 3.5-5: 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.	No Impact.	None.	No Impact.
Impact 3.5-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less Than Significant.	None.	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact 3.5-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	No Impact.	None.	No Impact.
3.6 HYDROLOGY/WATER QUALITY			
Impact 3.6-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	Less Than Significant.	None.	Less Than Significant.
Impact 3.6-2: 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.	Less Than Significant.
Impact 3.6-3a: Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site.	Less Than Significant.	None.	Less Than Significant.
Impact 3.6-3b: Substantially alter the existing drainage pattern of the site or area, including through the alteration in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.	Less Than Significant.	None.	Less Than Significant.
Impact 3.6-3c: Substantially alter the existing drainage pattern of the site or area in a manner which would substantially increase the rate or	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
amount of surface runoff 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 resources of polluted runoff.			
Impact 3.6-4: Result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.	Less Than Significant.	None.	Less Than Significant.
3.7 NOISE			
Impact 3.7-1: 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.	Potentially Significant.	**MM NOI-1: Noise Control Plan** Construction contractors shall develop and implement a noise control plan that includes a noise control monitoring program to ensure sustained construction noise levels do not exceed 75 decibels over an 8-hour workday at the nearest sensitive receivers. The plan shall include the following requirements: **Construction Equipment**. Construction equipment noise shall be controlled using a combination of the following methods: • Electrical power shall be used to run air compressors and similar power tools where feasible; • Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair; • All diesel equipment shall be operated with closed engine doors and be equipped with factory recommended mufflers;	Less Than Significant.

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Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		• Any construction equipment that continues to generate substantial noise at the eastern Project boundary shall be shielded with temporary noise barriers, such as barriers that meet a sound transmission class (STC) rating of 25, sound absorptive panels, or sound blankets on individual pieces of construction equipment; • Stationary noise-generating equipment, such as generators and compressors, shall be located as far as practically possible from the nearest residential property lines; • Contractor shall turn off idling equipment while not being used for operations after idling for five minutes; and • Contractor shall perform noisier operation during the times least sensitive to nearby residential receptors. **Neighbor Notification.** Designate a noise control monitor to oversee construction operations in proximity to sensitive receivers. Provide notification to residential occupants adjacent to the Project site at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the Project site. The notification should include the telephone number and/or contact information for the onsite noise control monitor that residents can use for inquiries and/or to submit complaints associated with construction noise.	
Impact 3.7-2: Generate excessive groundborne vibration or groundborne noise levels.	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
3.8 PUBLIC SERVICES			
Impact 3.8-1: Fire Protection.	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-2: Police Protection.	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-3: Schools	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-4: Parks	Less Than Significant.	None.	Less Than Significant.
Impact 3.8-5: Other Public Facilities	Less Than Significant.	None.	Less Than Significant.
3.9 TRANSPORTATION AND TRAFFIC			
Impact 3.9-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Less Than Significant.	None.	Less Than Significant.
Impact 3.9-2: Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	Less Than Significant.	None.	Less Than Significant.
Impact 3.9-3: Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less Than Significant.	None.	Less Than Significant.
Impact 3.9-4: Result in inadequate emergency access.	Less Than Significant.	None.	Less Than Significant.

TABLE ES-1 SUMMARY OF ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND LEVELS OF SIGNIFICANCE AFTER MITIGATION

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
3.10 TRIBAL CULTURAL RESOURCES			
Impact 3.10-1: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	No Impact.	None.	No Impact.
Impact 3.10-2: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.	Potentially Significant.	**CUL-1 through CUL-8.**	Less Than Significant.

ES.6 Effects Not Found To Be Significant

Several environmental topics were found to be less than significant without mitigation: air quality, agricultural and forestry resources, energy, greenhouse gas emissions, land use and planning, mineral resources, population and housing, recreation, utilities and service systems, and wildfires. These topics are described in Chapter 4.0, Effects Not Found to be Significant.

ES.7 Areas Of Controversy

Pursuant to CEQA Section 15123(b)(2), an EIR shall identify areas of controversy known to the lead agency, including issues raised by the agencies, and the public, and issues to be resolved. The NOP for the EIR was distributed on May 6, 2022 for a 30-day public review and comment period. Below is a list of potentially controversial issues that were raised during the NOP public review period and may be reiterated during the public review and hearing process of this Draft EIR:

- Tree removal, impacts to trees on neighboring properties;
- Project Density and the inclusion of units affordable to "very-low income" households
- Concerns related to the Project's community character;
- Concerns regarding future accessory dwelling units (ADUs) being developed on the site;
- Traffic safety impacts and congestion on neighboring streets;
- Pedestrian and bicyclist's safety along Melba Road and surrounding streets;
- Concerns regarding emergency vehicles' ability to access Project site;
- Adequate parking and sidewalks;
- Stormwater flows, drainage and infrastructure/bioretention basins;
- Concerns regarding undergrounding utilities and installation of street lighting;
- Concerns regarding lot sizes, layouts, setbacks and two-story homes;
- Biological and historic resource impacts;
- Suggestions to incorporate alternative uses including a community park and a nature corridor;
- Residual pesticides;
- Concern about construction-related greenhouse gas emissions

The NOP and responses are included in this EIR as Appendix A-1.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However,

decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

ES.8 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 review and decision-making authority must determine whether or how to mitigate the associated significant effects of the Project, including whether to implement a project alternative. The following significant impacts would be reduced to below significance following implementation of mitigation measures:

- Aesthetics/Community Character
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous
- Noise
- Tribal Cultural Resources

ES.9 Summary of Alternatives

The Alternatives section (Chapter 6.0) of this EIR includes a discussion of alternatives which were considered but rejected. This section includes an Alternative Site alternative, which was rejected from further consideration due to a lack of meeting most of the Project objectives and will not be discussed further here. The Alternatives section discusses the three project alternatives that were determined to represent the range of reasonable alternatives to the Project that have the potential to feasibly attain most of the basic Project objectives, but which may avoid or substantially lessen any of the significant effects of the Project.

Table ES-2 summarizes the potential impacts of the alternatives evaluated as compared to the potential impacts of the Project.

TABLE ES-2. SUMMARY OF ALTERNATIVES COMPARED TO THE PROPOSED PROJECT

	Proposed Project	No Project/ No Development (Alternative A)	Melba Road Improvement/ Pedestrian Improvement – Option B (Alternative B)	Reduced Density Alternative (Alternative C)
1. Aesthetics	LTS - MM	NI / +	LTS - MM / -	LTS-MM / =
2. Biological Resources	LTS - MM	NI / +	LTS-MM / -	LTS - MM / =
3. Cultural Resources	LTS-MM	NI / +	LTS-MM / =	LTS-MM / =
4. Geology and Soils	LTS - MM	NI / +	LTS - MM / =	LTS - MM / =
5. Hazards/Haz. Materials	LTS - MM	NI / +	LTS- MM / =	LTS-MM / =
6. Hydrology and Water Quality	LTS	NI / +	LTS / =	LTS - MM / =
7. Noise	LTS – MM	NI /+	LTS – MM / =	LTS – MM / =
8. Public Services	LTS	NI / +	LTS / =	LTS / =
9. Transportation and Traffic	LTS	NI / +	LTS / =	LTS / =
9. Tribal Cultural Resources	LTS-MM	NI / +	LTS-MM / =	LTS-MM / =
Comparison To Proposed Project		+ 10	+ 0 - 2 = 8	+ 0 - 0 = 10
Meets Most of the Basic Project Objectives?	**Yes**	**No**	**Yes**	**Yes**

Notes:

NI	Finding of no environmental impact
LTS	Finding of less than significant environmental impact
LTS-MM	Finding of less than significant environmental impact with mitigation measure
SU	Finding of significant and unmitigable impact
+	Alternative is superior (reduced impacts compared) to the proposed Project
-	Alternative is inferior (greater impacts compared) to the proposed Project
=	Alternative is environmentally similar to the proposed Project or there is not enough information to make a superior or inferior determination.

1.0 INTRODUCTION

1.1. Intent of the California Environmental Quality Act

The City of Encinitas (City), as the lead agency under CEQA, has prepared this EIR for the Torrey Crest Residential Subdivision Project (proposed Project). The Project site is located within the City of Encinitas; a city located in northern coastal San Diego County and comprises approximately 6.46 acres. The proposed Project is described in detail in Chapter 2.0, Project Description.

This EIR has been prepared pursuant to CEQA (California Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Chapter 3, Section 15000 et seq.). This EIR has been prepared pursuant to CEQA to assess the significant effects on the environment associated with implementation of the proposed Project, to identify alternatives to the proposed Project, and to indicate the manner in which those significant effects can be mitigated or avoided. The main objectives of this document as established by CEQA are listed below:

- To identify the significant direct and indirect impacts, secondary impacts, and cumulative effects on the environment of the proposed Project.
- To inform decision makers and the public about the potential significant environmental effects of proposed activities.
- To provide the public a meaningful opportunity to comment on the scope of the analysis and environmental issues.
- To identify the significant effects 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.
- To identify feasible project alternatives that may reduce or avoid the identified impacts.
- To foster interagency coordination in the review of the project.

1.2. Purpose of the EIR

This EIR is an informational document intended for use by the City decision-makers and members of the general public in evaluating the potential environmental effects of the proposed Project. This EIR includes discussion on the potential environmental impacts of the proposed Project; mitigation measures to avoid or reduce any significant impacts; the level of significance of impacts with and without mitigation; any unavoidable adverse environmental effects that cannot be mitigated; significant cumulative impacts when taken into consideration with past, present, and reasonably foreseeable future projects; and reasonable and feasible project alternatives that would avoid or reduce significant environmental impacts.

CEQA requires an EIR to reflect the independent judgment of the lead agency. A Draft EIR is circulated for review by responsible agencies, trustee agencies, other public agencies, special

districts, organizations, citizen groups, and individual members of the public (collectively referred to as interested parties). As defined in Sections 15050 and 15367 of the State CEQA Guidelines, the lead agency is the public agency that has the principal responsibility for carrying out or approving a project; a responsible agency has discretionary approval over certain project aspects; and a trustee agency has discretionary approval or jurisdiction by law over natural resources affected by a project.

The City of Encinitas is the CEQA lead agency for this EIR, and the Planning Commission will consider the information in this EIR during the public hearing process to approve, conditionally approve, or deny the proposed Project. Other discretionary actions, approvals and permits are described in Chapter 2.0, Project Description.

1.3. Terminology

The terms listed below are defined to assist reviewers in understanding this EIR. Additional definitions of terms are listed in the CEQA Guidelines Article 20 Sections 15350 to 15387.

- **Project** means the whole of an action that has the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines § 15378).
- **Environment** means the physical conditions that exist in the area and would be affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved is that in which significant direct or indirect impacts would occur as a result of the proposed Project. The environment includes both natural and man-made (artificial) conditions (CEQA Guidelines § 15360).
- **Impacts** analyzed under CEQA must be related to a physical change. Impacts are:
  - Direct or primary impacts that would be caused by a project and would occur at the same time and place; or
  - Indirect or secondary impacts that would be caused by a project and would be later in time or further removed in distance, but that would still be reasonably foreseeable. Indirect or secondary impacts may include growth-inducing impacts and other impacts related to induced changes in the pattern of land use, population density, growth rate, or related effects on air and water and other natural systems, including ecosystems (CEQA Guidelines § 15358).
- **Significant Impact on the Environment** means a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. An economic or social change by itself is not considered a significant impact on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant (CEQA Guidelines § 15382).

- **Mitigation** (CEQA Guidelines § 15370) consists of measures that avoid or substantially reduce the proposed Project's significant environmental impacts by:
  - Avoiding the impact altogether by not taking a certain action or parts of an action;
  - Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  - Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
  - Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; or
  - Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.
- **Cumulative impact** (CEQA Guidelines § 15355) refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
  - The individual impacts may be changes resulting from a single project or separate projects.
  - The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed 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.

This EIR uses a variety of terms to describe the level of significance of adverse impacts. These terms are defined as follows:

- A designation of "No Impact" indicates no adverse changes to the environment are expected.
- A "Less than Significant Impact" will not cause a substantial adverse change to the environment.
- A "Less than Significant Impact with Mitigation Incorporated" avoids a substantial adverse impact on the environment through adoption of mitigation measures.
- A "Significant and Unavoidable Impact" is a substantial adverse effect on the environment that cannot be reduced to a less than significant level even with the implementation of feasible mitigation measures.

1.4. CEQA EIR Process

CEQA establishes mechanisms whereby the public and affected public agencies can be informed about the nature of the project being proposed and the extent and types of impacts that the proposed project and its alternatives would have on the environment should the proposed project or alternatives be implemented. The CEQA review process allows interested parties to share expertise, discuss the analyses, check for accuracy, detect omissions, discover public concerns, and solicit mitigation measures and alternatives capable of avoiding or reducing the significant effects of a project, while still attaining most of the basic objectives of the proposed project.

The CEQA process for this EIR includes:

- The Project Applicant volunteered to prepare an EIR for the Project that will address all environmental issues listed in the most current version of the CEQA Initial Study Checklist (Appendix G of the 2022 State CEQA Guidelines)
- Filing and distribution of the Notice of Preparation (see Appendix A-1, Notice of Preparation / Public Comments Received);
- Holding a CEQA public agency scoping meeting;
- Preparation of the Draft EIR;
- Release of the Draft EIR for a 45-day public review period;
- Preparation and release of the Final EIR, including responses to comments on the Draft EIR.

1.4.1. Public Scoping

Notice of Preparation and Public Scoping Meeting

Pursuant to Section 15082 of the CEQA Guidelines, the City circulated an NOP on May 6, 2022, to interested agencies, organizations, and individuals for a 30-day public review period beginning on May 6, 2022, and ending on June 7, 2022. The NOP was also sent to the State Clearinghouse at the Governor's Office of Planning and Research.

In response to the NOP, the City received written comments from three (3) public agencies and 66 individuals. The Notice of Preparation and scoping letters are included in Appendix A-1 within Volume 2 (Technical Appendices) of this EIR.

An Initial Study was not required as part of the initial CEQA scoping process for the proposed Project because the Project Applicant and the lead agency agreed to proceed with an EIR for the project to identify and analyze all environmental effects of the proposed project.

Citizen Participation Program Meeting

A Citizen Participation Program (CPP) public meeting was held for the proposed Project on February 18, 2021 from 6:00 PM to 8:00 PM on a virtual ZOOM meeting platform held remotely during the City's declared local emergency for the COVID-19 pandemic). 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. A total of 85 persons requested email/login information for the meeting and 76 persons identified themselves as present at the meeting, either verbally or in the public Zoom chat.

A full summary of the issues raised at the CPP meeting, along with the meeting transcript, are included in **Appendix A-2, Citizen Participation Program Report**.

Key environmental concerns and questions included:

- Construction timeline/duration;
- Concerns regarding tree removal, impacts to trees on neighboring properties and proposed landscaping materials;
- Landscaping to screen project edges along Melba Road;
- Density of the Project and applicable density bonus waivers/exemptions;
- Concerns related to the Project's community character;
- Concerns regarding the inclusion of units affordable to "very-low income" households;
- Concerns regarding future accessory dwelling units (ADUs) being developed on the site;
- Traffic safety and congestion on neighboring streets;
- Pedestrian and bicyclist's safety along Melba Road and surrounding streets;
- Project site access and improvements on Melba Road;
- Concerns regarding emergency vehicles' ability to access Project site;
- Adequate parking and sidewalks;
- Stormwater flows, drainage and infrastructure/bioretention basin;
- Concerns regarding undergrounding utilities and installation of street lighting;
- Concerns regarding lot sizes, layouts, setbacks and two-story homes;
- Biological and historic resource impacts;
- Suggestions to incorporate alternative uses including a community park and a nature corridor;
- Concerns related to greenhouse gas generation and residual pesticides; and,

- Concern about construction-related greenhouse gas emissions from construction activities and long-term traffic congestion.

These issues have been considered in this EIR, where applicable.

1.4.2. Draft EIR Review

The Draft EIR, accompanied by a Notice of Completion (NOC), will be circulated to the California State Clearinghouse, responsible and trustee agencies, and interested parties for a 45-day public review period in accordance with CEQA Guidelines Sections 15087 and 15105. During this period, public agencies and members of the public may submit written comments on the analysis and content of the Draft EIR.

The Draft EIR will also be made available on the City's website under "Environmental Notices" at http://www.ci.encinitas.ca.us/I-Want-To/Public-Notices/Development-Services-Public-Notices. Hard copies will also be available at the Encinitas Development Services Department, located at 505 South Vulcan Avenue in Encinitas. Interested parties are invited to submit written comments to J. Dichoso, jdichoso@encinitasca.gov, AICP, Project Manager, City of Encinitas Development Services Department, 505 South Vulcan Avenue Encinitas, CA 92024, Phone: (760) 633-2710.

The public review and comment period starts on April 12, 2024 and ends on May 28, 2024**.** Comments received during the public review period of the Draft EIR will be reviewed and responded to in the Final EIR. The Final EIR will then be reviewed by the City of Encinitas Planning Commission as a part of the procedures to certify the EIR.

1.4.3. Certification of Final EIR/Project Consideration

The Planning Commission (Commission) will consider the Final EIR and then make its decision regarding the Project. If, in the exercise of its independent judgment and review, the Commission finds that the Final EIR is "adequate and complete," the Commission may certify the Final EIR and then may take action to approve, revise, or reject the Project. A decision to approve the Project would be accompanied by written findings in accordance with CEQA Guidelines, Section 15091, and, if applicable, Section 15093. A Mitigation Monitoring and Reporting Plan (MMRP), as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the Projects to reduce or avoid significant impacts to the environment. The MMRP would be designed to ensure that these measures are carried out during project implementation. at a public hearing. The "rule of adequacy" generally holds that the Final EIR can be certified if it shows a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the Project in contemplation of its environmental consequences.

1.4.4. Mitigation Monitoring and Reporting Program

Section 21086.1 of CEQA requires that public agencies adopt a program for monitoring mitigation measures or conditions of project approval that reduce or eliminate significant impacts to the environment. As such, the City has prepared an MMRP for the proposed Project. The MMRP will be submitted to approving agencies along with the Final EIR prior to considering the Projects for approval. Any mitigation measures adopted by the Planning Commission as conditions for approval of the Project will be included in the MMRP to track and verify compliance.

1.5. EIR Content and Organization

The content and organization of this EIR are in accordance with the most recent amendments to CEQA and the State CEQA Guidelines. Technical studies have been summarized within individual environmental analysis sections and/or summary sections. Full technical studies have been included in the appendices to this EIR (see Volume II of the EIR) and are available for public review.

This EIR has been organized in the following manner:

- **Executive Summary** is provided at the beginning of the EIR that outlines the conclusions of the environmental analysis and a summary of the proposed Project as compared to the alternatives analyzed in this EIR. The Executive Summary also includes a table summarizing all identified environmental impacts, along with the associated mitigation measures proposed to reduce or avoid each impact (CEQA Guidelines Section 15123).
- **Chapter 1.0, Introduction,** provides an overview of the EIR, introducing the proposed Project, applicable environmental review procedures, and format of the EIR (CEQA Guidelines Section 15124(d)).
- **Chapter 2.0, Project Description, Location, and Environmental Setting,** provides a description of the proposed Project, including its objectives, location (regional and local), background, general environmental setting, identification of discretionary actions and interested parties, and a list of cumulative projects. The setting discussion also addresses the relevant planning documents and existing land use designations of the Project site CEQA Guidelines Sections 15124(a), (b), and (c) and 15125).
- **Chapter 3.0, Environmental Analysis,** provides a detailed impact analysis for each environmental issue, cumulative impacts and required mitigation measures, as applicable, that would result with project implementation (CEQA Guidelines Sections 15125-15126.4 and 15130).
- **Chapter 4.0, Environmental Effects Found Not to Be Significant,** addresses effects found not to be significant wherein the text briefly discusses environmental issues determined not to have the potential for significant adverse impacts as a result of the proposed project (CEQA Guidelines Section 15128).

- **Chapter 5.0, Other CEQA Considerations,** discusses additional topics statutorily required by CEQA, including growth-inducement, irreversible environmental changes that would result from the proposed Project, including the use of nonrenewable resources; and significant effects which cannot be avoided (CEQA Guidelines Sections 15126.2(c) and (d), and 15127).
- **Chapter 6.0, Alternatives**, provides a description, evaluation and comparison of alternatives to the proposed Project. This section addresses the mandatory "No Project" alternative, as well as development alternatives that would reduce or avoid the proposed Project's significant impacts (CEQA Guidelines Section 15126.6).
- **Chapter 7.0, Preparers,** identifies persons involved in the preparation of this EIR and/or those contacted during preparation of this EIR who provided information or data incorporated into the document (CEQA Guidelines Section 15129).
- **Chapter 8.0, References**, provides a list of informational sources and technical reports utilized in preparation of the EIR.
- **Appendices** provide information and/or relevant technical studies to support the findings of the environmental analysis contained in this EIR.

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 in Chapter 3.0 of this EIR:

- Aesthetics/Community Character
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources

The analysis of each environmental issue in Chapter 3.0 is organized as follows:

- **Existing Conditions** describes the physical environment and conditions that exists at the time of NOP issuance.
- **Regulatory Framework** describes the applicable federal, state, and local laws, as well as City of Encinitas General Plan goals and policies.
- **Threshold for Determination of Significance** identifies applicable significance thresholds and guidelines for determination of significance.
- **Analysis of Project Effects and Determination of Significance** identifies impacts of the proposed Project, including direct, indirect, short-term, and long-term. It also includes feasible

mitigation measures to reduce significant impacts; and a determination of the level of significance before and after mitigation.

- **Cumulative Impact Analysis** describes the cumulative setting and evaluates the proposed Project's potential effects on the environment in consideration with other closely related past, present, and reasonably foreseeable future projects in each cumulative study area.

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

- Air Quality
- Agriculture and Forestry Resources
- Energy
- Greenhouse Gas Emissions
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Recreation
- Utilities and Service Systems
- Wildfire

1.6. Incorporation by Reference

In accordance with Section 15150 of the State 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.

1.6.1. 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 to ensure that decisions made by the City conform to long-range goals, such as the city's future growth and long-term protection of its resources. The General Plan also provides guidance to ensure that future development conforms to the City's established plans, objectives, and/or policies, as appropriate which protects and furthers the public interest as the city continues to grow and to minimize potential adverse effects potentially occurring with ultimate buildout of the General Plan.

Approximately two-thirds of Encinitas lies within the boundaries of the California Coastal Zone. All local governments located wholly or partially within the Coastal Zone are required to prepare a Local Coastal Program (LCP) for those areas of the Coastal Zone within its jurisdiction therefore, in addition to the General Plan the City also maintains the LCP which goals and policies are directly related to California Coastal Act requirements. The California Coastal Act is intended to protect the natural and scenic resources of the Coastal Zone. 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 considering 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 (LUP) 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 LUP and any policy or provision of the General Plan that is not a part of the LCP, the LUP takes precedence. Any such conflicts shall result in identifying a resolution that achieves the highest degree of protection for resources in the Coastal Zone.

The City is responsible for the issuance of Coastal Development Permits (CDPs) within the Coastal Zone, excluding submerged lands, tidelands, or public trust lands. The City's decision on a coastal development permit may be appealed to the Coastal Commission.

1.6.2. Prior Environmental Analyses

The proposed density of the Project is consistent with the density in the City's General Plan and Zoning Ordinance and as allowed by California State Density Bonus Law (SDBL), and is analyzed in the City's certified General Plan Environmental Impact Report (1990 GP EIR) and environmental review prepared for subsequent housing element updates including the 2016 Housing Updated Programmatic EIR (2016 PEIR) and 2019 Housing Element Environmental Assessment (EA) (collectively the "GP EIR").

The Project site is located within the Residential 3 General Plan Land Use Designation and within the Residential-3 (R-3) Zone, which allow a density of three (3) dwelling units per net acre. Therefore, under existing zoning, the 6.646-acre site can be developed with 20 dwelling units (6.646-acres x 3 dwelling units per acre is 19.938 units which rounds up to 20 dwelling units). A 20 unit housing development represents the "base project". The Project proposes to set aside three (3) dwelling units for very-low income households, which represent 15% of the "base project". Therefore, in accordance with SDBL (Government Code §65915(f)(2)), the Project meets the criteria for and is entitled to a density bonus of 50% of the base project and can develop up to 30

dwelling units on the Project site (20 dwelling unit base project + 50% Density Bonus of 10 dwelling units = 30 dwelling units). The proposed residential density would be roughly equivalent to 4.64 DU per acre.

CEQA provides a statutory exemption in 14 California Code of Regulations (CEQA Guidelines) Section 15183 and Public Resource Code Section 21083.3 for projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. For projects that are consistent, additional environmental review shall not be required, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. As demonstrated by the Draft EIR, there are no new significant environmental effects that are peculiar to the Project that were not analyzed in the GP EIR or that cannot be mitigated to less than significant.

1.6.3. 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. The Zoning Regulations of Title 30 are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan and are intended to "regulate the use of real property and the buildings, structures, and improvements located thereon so as to protect, promote, and enhance the public safety, health and welfare" (Ord. 86-19). 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).

1.6.4. City of Encinitas Climate Action Plan

Climate Action Plans (CAPs) provide a roadmap for jurisdictions to take in order to reduce greenhouse gas (GHG) emissions and the potential impacts of climate change through the implementation of various strategies, goals, actions and supporting measures. In developing a CAP, jurisdictions evaluate the volume of GHGs emitted during a baseline year and determine the amount of emissions that need to be reduced to achieve statewide GHG reduction targets.

The City of Encinitas' Climate Action Plan was updated in November 18, 2020. The City previously developed a CAP in 2011 (2011 CAP) based on a 2005 baseline inventory. In January 2018, the City adopted an updated Climate Action Plan (2018 CAP) to account for new legislation, improved technology, and a more recent baseline inventory year of 2012 (City of Encinitas, 2020). The 2018 CAP was prepared as an update to the 2011 CAP which built upon the goals of 2011 CAP and provided an updated 2012 GHG emissions inventory for the City. The 2018 CAP organized strategies, goals, and actions based on the sectors evaluated in the 2012 inventory (i.e., on-road transportation, electricity, natural gas, solid waste, water, off-road transportation, and wastewater).

Strategies were developed to target improving the GHG efficiency of citywide community and municipal activities.

The 2020 Interim CAP Update incorporated the City's 2019 Housing Element Update (HEU Fifth Cycle 2013-2019) and incorporated the HEU residential units into the "business as usual" and the "legislatively-adjusted projections". It also presented associated updates and revisions to CAP measures aimed at reducing and mitigating the impacts of GHG-emitting activities by certain percentages by targeted dates. The CAP baseline year is 2012 and the target emission levels are 13% below 2012 levels by 2020 and 41% below 2012 levels by 2030. The 2020 emission reduction target is consistent with the reduction the City would get from federal and state regulations. The 2030 target is consistent with the emissions reduction required for California statewide emissions to reach the 2030 target level using a 2012 baseline year (City of Encinitas, 2020).

The CAP organizes strategies, goals, and actions tied to various emissions sources and includes seven overarching strategies and associated goals. As of the time of the Draft EIR's publication, the City has not adopted implementing ordinances for these requirements.

1.6.5. Senate Bill 330 (SB 330)

Overview

On October 9, 2019, Gov. Gavin Newsom signed the Housing Crisis Act of 2019 (HCA) into law, commonly known as Senate Bill 330 (SB 330) to respond to the California housing crisis. SB 330 is based on the idea that needed housing has largely already been planned for by local communities. According to a 2019 report prepared by UCLA Lewis Center for Regional Policy Studies, cities and counties in the State have collectively approved zoning for 2.8 million new housing units. However, the housing is not getting built. Developers contribute the lack of housing production to growing regulatory requirements, permit processing delays, and excessive impact and service fees. The HCA aims to:

1. Increase residential unit development;
2. Protect existing housing inventory; and
3. Expedite permit processing.

This law made a number of modifications to existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act and became effective on January 1, 2020. Under this legislation, municipal and county agencies are restricted in what regulations can be applied to eligible housing development projects. The HCA includes a sunset clause where the law would no longer be in effect as of January 1, 2025.

The HCA affected the following State Government Code Sections: 65589.5, 65905.5, 65913.10, 65940, 65941.1, 65943, 65950, 66300 and 66301.

Eligible Projects for SB 330 Processing

Projects that meet the following criteria are eligible for benefits afforded under SB 330 [Gov. Code Section 65589.5(h)(2)]:

- Residential projects, excluding hotels, assisted living or other commercial dwelling units. Single-family, Accessory and/or Junior Accessory Dwelling Units are excluded from dwelling unit count;
- Mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage of the project designated for residential use (not including hotels, assisted living or other commercial dwelling units); or
- Transitional Housing or Supportive Housing project (see definitions of each term in Chapter 30.04 of the Encinitas Municipal Code).

The HCA does not apply to housing development projects located within a very high fire hazard severity zone.

Residential Housing Unit Protections

The HCA prohibits a reduction to residential density through a "no net loss" provision for the removal of residential housing units with redevelopment projects regardless of underlying zoning and density designations [Gov. Code Section 66300(d)]. For example, a residential duplex cannot be demolished or converted to a single-family residential dwelling unit as this would constitute a net loss of one residential unit. However, the duplex could be demolished or converted to a single-family residential dwelling unit if an Accessory Dwelling Unit or Junior Accessory Dwelling Unit were also proposed in conjunction with the project and further provided that the duplex is not defined as a "protected" unit.

Protected Unit

Protected units are residential dwelling units that are, or were, within the past 5 years either:

1. Subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to low- or very low-income households;
2. Subject to any form of rent or price control through a public entity’s valid exercise of its police power;
3. Rented by low- or very-low income households; or
4. Withdrawn from rent or lease pursuant to the Ellis Act within the last 10 years.

Protected Unit Development Requirements

When a unit is deemed "protected," the same number of units must be included and also be of an "equivalent size" as the units that exist on the property with a development project. Equivalent size means the replacement units must contain at least the same total number of bedrooms as the units being demolished. In addition, existing residents that will be displaced shall:

1. Be allowed to remain until six months before construction begins with proper notice;
2. Be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market;
3. Relocation benefits; and
4. A right of first refusal for a comparable unit in the new project at an affordable rent for a minimum term of 55 years.

Preliminary Application and Streamlining

The HCA establishes a requirement for the City to implement a preliminary application process for eligible housing development projects. This application process is not required for all housing development projects, but it is required for applicants with eligible projects that seek the vesting and processing benefits offered under SB 330. The intent of this process is to make the development review process faster and provide certainty to an applicant by locking in the development requirements, standards, and fees at the time a complete application is submitted. By doing so, the City is prohibited from applying new ordinances, policies and standards to a development with a complete preliminary application. In other words, a housing development project is subject only to the ordinances[(1)], policies, and standards adopted and in effect when the preliminary application was submitted (California Government Code §65589.5(o)(i)).

Additionally, pursuant to Section 65589.5 (j)(3) the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

1.6.6. Senate Bill 8 (SB 8)

SB 8, approved by Gov. Gavin Newsom on September 16, 2021, made various amendments to SB 330, including extending the provisions of the Housing Crisis Act of 2019 until 2030. SB 8 clarifies, for various purposes of the act, that a “housing development project” includes projects that

[1] “Ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. It also limits the requirement to provide relocation benefits and a right of first refusal to occupants of protected units that are lower income households and specifies that the requirement does not apply to an occupant of a short-term rentals that are rented for a period of fewer than 30 days. Additionally, SB 8 specifies that the act does not prohibit a housing development project that is an affordable housing project, as defined, from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted if the project has not commenced construction within 3.5 years.

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2.0 PROJECT DESCRIPTION

2.1. Project Overview and Location

The Torrey Pacific Corporation (Applicant) proposes the subdivision of an approximately 6.646-gross acre site to accommodate a housing development project consisting of a "for-sale" single-family residential project in the City of Encinitas (City). The proposed Torrey Crest Residential Subdivision (Project or proposed Project) consist of 30 detached single-family residences, of which 27 would be market-rate units and three (3) would be affordable units dedicated to "very-low-income" qualifying households (50% Average Median Income [AMI]).

A Density Bonus Tentative Map, Design Review Permit, and Coastal Development Permit are required to allow for the proposed development (MULTI-004309-2021, SUB-004310-2021, DR-004311-2021, CDPNF-004312-2021). The Density Bonus Tentative Map would subdivide the existing property into multiple parcels. The Design Review Permit is required to ensure project consistency with design review guidelines established by the City of Encinitas. Due the project site's location within the Coastal Zone, a Coastal Development Permit is also required. The Project also includes an SB330 application deemed complete on April 21, 2021.

The Project site is located at 1220 through 1240 Melba Road and 1190 Island View Lane in the Old Encinitas community of the City of Encinitas in San Diego County, north of Melba Road, south of Oak Crest Middle School, east of Balour Drive, and west of Crest Drive and consists of seven parcels (Assessor Parcel Numbers [APNs] 259-180-09, 259-180-10, 259-180-16, 259-181-02; 259-181-03, 259-181-04, and 259-181--33) (Project Site). The City of Encinitas is surrounded by the cities of Carlsbad to the north and Solana Beach to the south, County of San Diego to the east, and the Pacific Ocean to the west (**Figure 2-1, Regional Location**). The Project site is roughly T-shaped, with its southern border fronted by Melba Road (**Figure 2-2, Project Location**).

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. To achieve the need and purpose of the proposed Project, the following project objectives identified below.

- Provide residential single family dwelling units (DUs) consistent with the density of the Encinitas General Plan, zoning in the Municipal Code, and California State Density Bonus Law to help meet the current demand for affordable and market rate for-sale single family homes.
- Provide affordable housing within a housing development project, thereby helping to meet the City's state-mandated affordable housing requirements and further encouraging diversity within the community.

- Ensure an economically viable project by locating development in areas that have existing capacity to accommodate the required infrastructure and public services to serve a housing development project.
- Locate housing in areas to maintain or enhance community access and mobility networks, including proximity to transit, Interstate 5, local business, shopping, schools, and health care.
- Locate a housing development project the maximum number of residential single family dwelling units with practical pedestrian access to high school, middle school, elementary school, pre-school, and the Encinitas Community and Senior Center.
- Create an economically viable project that can be realistically implemented within current and projected economic conditions.

2.3. Project Characteristics

The Torrey Pacific Corporation (Applicant) proposes to subdivide the approximately 6.646-gross acre site into 36 parcels to accommodate development of a 30-unit, for sale single-family residential development. The Project would demolish all on-site structures and include construction of a new private access from Melba Road and off-street parking. Improvements would also include the installation of associated utilities, drainage, and storm water treatment and landscaping improvements as well as improvements to Melba Road.

The Project site consists of seven (7) parcels, a summary of which is shown on **Table 2-1**. Of the total 6.646-acre site, only 6.226 acres would be disturbed by the Project (PSLA Engineering, 2024). The remaining 0.238 acres within the Island View Lane right-of-way (APN 259-181-03-00) would not be disturbed by the Project.

TABLE 2-1. PARCEL SUMMARY

Parcel Summary		**Total**
Address	**Parcel No.**	**Acres**
Unassigned Address on Balour Dr.	259-181-02-00	0.900
1190 Island View Lane	259-181-03-00	0.940
Unassigned Address on Balour Dr. (*formerly 1180 Balour Dr.*)	259-181-04-00	0.800
1240 Melba Road	259-180-09-00	1.520
1234 Melba Road	259-180-10-00	1.126
1220 Melba Road	259-180-16-00	0.850
1230 Melba Road	259-180-33-00	0.510
Total Developable Property Acreage		***6.646 ****

TABLE 2-1. PARCEL SUMMARY

Parcel Summary	Total	
Buildable Lots	**SF**	**Acres**
Proposed Lot 1 (single-family residence)	5,103	0.117
Proposed Lot 2 (single-family residence)	7,798	0.179
Proposed Lot 3 (single-family residence)	6,864	0.158
Proposed Lot 4 (single-family residence)	8,597	0.197
Proposed Lot 5 (single-family residence)	6,840	0.157
Proposed Lot 6 (single-family residence)	7,493	0.172
Proposed Lot 7 (single-family residence)	7,382	0.169
Proposed Lot 8 (single-family residence)	7,513	0.172
Proposed Lot 9 (single-family residence)	7,514	0.172
Proposed Lot 10 (single-family residence)	8,182	0.188
Proposed Lot 11 (single-family residence)	11,013	0.253
Proposed Lot 12 (single-family residence)	7,202	0.165
Proposed Lot 13 (single-family residence)	6,591	0.151
Proposed Lot 14 (single-family residence)	6,714	0.154
Proposed Lot 15 (single-family residence)	5,072	0.116
Proposed Lot 16 (single-family residence)	6,224	0.143
Proposed Lot 17 (single-family residence)	4,415	0.101
Proposed Lot 18 (single-family residence)	10,113	0.320
Proposed Lot 19 (single-family residence)	9,622	0.221
Proposed Lot 20 (single-family residence)	7,422	0.170
Proposed Lot 21 (single-family residence)	6,941	0.159
Proposed Lot 22 (single-family residence)	7,070	0.162
Proposed Lot 23 (single-family residence)	7,332	0.168
Proposed Lot 24 (single-family residence)	7,142	0.164
Proposed Lot 25 (single-family residence)	7,928	0.182
Proposed Lot 26 (single-family residence)	8,991	0.206
Proposed Lot 27 (single-family residence)	6,243	0.143
Proposed Lot 28 (single-family residence)	7,161	0.164
Proposed Lot 29 (single-family residence)	6,745	0.155
Proposed Lot 30 (single-family residence)	8,095	0.186
Summary of Single-Family Lots	***221,322***	***5.081***
Non-Buildable Lots	**SF**	**Acres**
Proposed Lot A (Private Road Easement from Melba Road)	31,853	0.731
Proposed Lot B (Non Buildable HOA/Island View Lane ROW	10,352	0.238
Proposed Lot C (Drainage/Retention Basin)	9,141	0.210
Proposed Lot D (Grass area north of Lot 9 **)	3,245	0.079

TABLE 2-1. PARCEL SUMMARY

Parcel Summary	Total	
Proposed Lot E (Grass area east of Lot 20 **)	2,763	0.063
Proposed Lot F (Drainage/Retention Basin, west of Lot 18 **)	3,778	0.087
Proposed Melba Road Dedication	6,866	0.158
Total Net Developable Property Acreage	**289,500**	**6.646**

Notes: * = Gross acreage (6.646-acres) based on boundary survey of outer limits of the parcels. ** = Maintained by Home Owners Association (HOA)

Source: Pasco, Laret Suiter & Assoc – Site Layout Plan, February 26, 2024.

2.3.1. Density Bonus Tentative Map

The proposed Density Bonus Tentative Map would subdivide the Project site into 36 lots that would include 30 new single-family residential lots, a private street lot (Lot A), a Non-Buildable Lot (Lot B – Island View Lane access easement) which would be owned by the homeowners association (HOA) and two grass areas (Lot D and Lot E Easement Areas) (**Figure 2-3, Proposed Site Layout**). The proposed retention/detention basins would be installed within Lot C, south of Residential Lot 1, adjacent to Melba Road pursuant to a private drainage easement and a within Lot F, east of Lot 18. Of the 30 homes proposed for construction, twenty-seven (27) would be market-rate dwelling units and three (3) would be affordable units dedicated to "very-low-income" qualifying households (50% AMI) (Lots 1, 15 and 17) (Torrey Pacific Corporation, 2024a).

The Project includes the construction of Lot A, a new private access road (from which access to the new development would be taken) from Melba Road, associated utilities, drainage, and storm water treatment, and landscaping improvements. All improvements would be required to comply with the California Building Code (CBC) and Americans with Disabilities Act (ADA).

Residential Density and Development Incentives/Waiver Requests

California's Density Bonus Law (California Government Code Section 65915 et seq.), as amended by Assembly Bill (AB) 2345, gives housing developments the right to increased density beyond applicable local limits in exchange for providing homes at below market rents or purchase costs. If the "base" project (i.e., the project as considered by zoning before the additional density) provides at least 15 percent of the homes for very-low-income households, the development is authorized to receive three (3) development incentives and there is no limit to the number of development waivers that may be requested. Additionally, housing developments that set aside at least 15 percent of the base project's dwelling units for very-low income households are entitled to receive a density bonus of 50% over the maximum allowable gross residential density.

Qualifying Criteria

The Project site is located within the Residential 3 General Plan Land Use Designation and within the Residential-3 (R-3) Zone, which allow a density of three (3) dwelling units per net acre. Therefore, under existing zoning, the 6.646-acre site can be developed with 20 dwelling units (6.646-acres x 3 dwelling units per acre ≈ 20 dwelling units – rounded up from 19.94 based on Government Code Section 65915(f)(5)[1]. A 20-unit housing development represents the "base project". The Project proposes to set aside three (3) dwelling units for very-low income households, which represent 15% of the "base project". Therefore, in accordance with the California Density Bonus Law (Government Code § 65915(f)(2)), the Project meets the criteria for and is entitled to a density bonus of 50% of the base project and can develop up to 30 dwelling units on the Project site (20 dwelling unit base project + 50% Density Bonus of 10 dwelling units = 30 dwelling units). The proposed residential density would be roughly equivalent to 4.51 DU per acre, an increase of 1.51 DU per acre above the R-3 zone.

In addition to the density bonus, the Project is allowed three incentives for including at least 15 percent of the total units for "very-low" income households and unlimited waivers pursuant to State Density Bonus Law. Two incentives are requested that will result in identifiable and actual cost reductions to the Project that allow for the development of affordable housing. The Project is also requesting waivers of certain development standards in order to provide necessary relief from development standards that would otherwise physically preclude the development of affordable housing as part of the overall Project. The requested development incentives and development waivers allowed under Government Code Section 65915 are incorporated into the project design as summarized in **Table 2-2**, **Proposed Development Incentives and Development Waivers** and are also shown on **Figure 2-4, Waiver Exhibit.**

2.3.2. Access and Circulation

Access to the Project site is currently provided from the south by Melba Road via an existing driveway. Sidewalks are provided along the project frontage, north of Melba Road. Vehicle access to the Project site is also provided to the northern portion of the Project Site via Island View Lane, which is a private road. A chain link gate is installed at the end of the paved roadway, which prevents access to the remainder of the site.

[1] Govt. Code Section 65915(5)(f): All density calculations resulting in fractional units shall be rounded up to the next whole number.

TABLE 2-2. PROPOSED DEVELOPMENT INCENTIVES AND WAIVERS REQUEST

Type/Number	Development Regulations	Requirement	Proposed
Development Incentives			
Development Incentive No. 1	Utility Facilities (EMC 23.36.120) (a)	Requires that all existing overhead utilities anywhere within the rights-of-way or in any easement which is contiguous with a project property boundary, or which overlaps a project property boundary shall be placed underground.	Exemption from requirement to underground existing overhead utilities within or that overlap the Project site. Exemption from requirement to underground existing utility facilities that (1) run on the south side of Melba, (2) serve 1210 Melba (two poles, neighboring parcel), (3) run over Island View Lane from Balour Drive to SDG&E pole P:120555 and (4) any other existing utility undergrounding, unless the Applicant elects to do so voluntarily. Applicant is proposing, subject to SDG&E approval, to remove overhead wires between the following poles: • P120555 and P120556; • P120556 and P120557; • P120557 and P227244; • P120556 and P120558; • P120558 and P120559; • P120559 and P121955; and, • P121955 and P121824J.
Development Incentive No. 2	Building Height (EMC 30.16.010 (B) (6) and 30.00.6. (6.1)	Building height in the R-3 zone shall be 22 feet from adjacent grade to top of roof above exterior wall, with an additional 4 feet allowed for roof pitch for a maximum height of 26 feet. (Max building height of 22 ft – 26 ft).	Building heights of up to 30 feet as measured from the lower of the natural or finished grade adjacent to the structure to the highest portion of the roof immediately above for Lots 2, 10, 11, 18 and 19.

TABLE 2-2. PROPOSED DEVELOPMENT INCENTIVES AND WAIVERS REQUEST

Type/Number	Development Regulations	Requirement	Proposed
Development Waivers			
Waiver Request No. 1	Street Dedications. Private Street Limitation (EMC 24.29.020 (D)) EMC 10.04.020 Chapter 5 Section 503.2.1 Dimensions, Exceptions (3)	Private streets may only be established where the development creates a cul-de-sac street serving 10 or less lots. In any location where any possibility exists for access needs beyond the proposed development, the dedication of right-of-way shall be required through the development. Unless otherwise noted in this chapter, private road access shall not otherwise be allowed. (Ord. 92-39)	***Wavier of "Development Standards for Private Streets"*** The Project is requesting the establishment of a private street, and a waiver of the width and radius dimensions in the City of Encinitas Public Road Standards to build a private street with 29' roadway, parking, sidewalk, and easement dimensions as shown on the Preliminary Grading Plan (EIR Figures 2-5a, 2-5b, 2-5c) and a cul-de-sac with radius of 36', with no parking allowed in the cul-de-sac.
Waiver Request No. 2	Net Lot Area (EMC 30.16.010)	R-3 Zone requires a minimum net lot area of 14,500 SF.	***Wavier of "Development Standards for Minimum Net Lot Areas"*** The Project is requesting the use of net lot areas of less than 14,500 SF. Proposed Net Lot Areas range from 4,410 SF to 11,013 SF) on Lots 1 through 30.
Waiver Request No. 3	Lot Width (EMC 30.16.010)	R-3 Zone requires a minimum lot width of 80 ft.	***Wavier of "Development Standards for Minimum Lot Width*** The Project is requesting use of lot widths of less than 80 ft on Lots 1 through 10; Lots 12 through 17; and Lots 20 through 29. Proposed widths on these lots range from 49 ft to 77 ft.
Waiver Request No. 4	Lot Depth (EMC 30.16.010)	R-3 Zone requires a minimum lot depth of 100 ft.	***Waiver of "Development Standards" for Lot Depth*** The Project is requesting lot depth of less than 100 ft (97 ft) on Lot 17.
	Use of private street standards (EMC 30.16.020)	All public streets within or abutting the proposed planned development shall be dedicated and improved to City specifications for the particular classification of street.	***Wavier of "Development Standards" to allow use of private street standards*** The Project is requesting the use of private street standards versus public street standards.
Waiver Request No. 5	Side Yard Setbacks (EMC 30.16.010)	R-3 Zone requires a side yard setback of 10 ft for each interior side.	***Waiver of "Development Standards" for Side Yards*** The Project is requesting side yard setbacks of five (5) feet on each interior side on Lots 1 through 10 and Lots 12 through 30.

TABLE 2-2. PROPOSED DEVELOPMENT INCENTIVES AND WAIVERS REQUEST

Type/Number	Development Regulations	Requirement	Proposed
Waiver Request No. 6	Lot Coverage (EMC 30.16.010)	R-3 Zone allows a maximum of 35% lot coverage.	***Waiver of "Development Standards" for Max. Lot Coverage*** The Project is requesting lot coverages of greater than 35% on Lots 1, 2, 5, 6, 8; Lots 14 through 16; Lots 22 through 25; and Lots 27 through 29. Lot coverage for these lots ranges from 35.4% to 46.0d%.
Waiver Request No. 7 (b)	Building Height (EMC 30.16.010 (B) (6) and 300.00.6. (6.1)	Building height in the R-3 zone shall be 22 feet from adjacent grade to top of roof above exterior wall, with an additional 4 feet allowed for roof pitch. (Max building height of 22 ft – 26 ft).	***Waiver of "Development Standards" for Max. Building Height*** The Project is requesting building heights of up to 29 ft 10 in. as measured from the lower of the natural or finished grade adjacent to the structure to the highest portion of the roof immediately above for Lots 2, 10, 11, 18 and 19.
Waiver Request No. 8	Subdivision Design Standards (EMC 24.12.030 (A)	The design of the subdivision (tentative maps and tentative parcel maps) is to reflect the existing pattern of development and be consistent with the character of the surrounding community, to the extent practical, while being consistent with density provisions of the underlying zone of the subdivision.	***Waiver of "Development Standards" for residential density, minimum lot area and minimum lot dimensions*** The Project is requesting a density bonus, and is not consistent with the density provisions of the underlying R-3 zone. The Project is consistent with the State Density Bonus Law.
	Subdivision Design Standards (EMC 24.12.030(B)(2)	Every lot shall contain the minimum lot area and conform to the minimum lot dimensions and design standards specified in Title 30 of the Municipal Code (the Zoning Ordinance) for the zone in which the lot is located at the time the final map is submitted to the authorized agency for its approval.	***Waiver of "Development Standards" for minimum lot area and lot dimensions*** The Project is requesting waivers for minimum lot area, minimum lot dimensions, and other design standards (see above).

Notes: (a) EMC = Encinitas Municipal Code (b) Requested in combination with the use of one of the Projects three (3) available development incentives.
Sources: Torrey Pacific Corporation, Density Bonus Report dated February 26, 2024; Waiver Exhibit (Figure 2-4).

Proposed Access

Access to the site and internal circulation would be provided via installation of a new 29-foot-wide private road from Melba Road, which would extend northward into the site and terminate in a cul-de-sac. The Project does not propose any improvements to Island View Lane, and would eliminate pedestrian and automobile access to the site from this roadway with the installation of a masonry retaining wall at the rear of Lot 10 (See **Figures 2-5a, 2-5b and 2-5c, Preliminary Grading Plan**).

Pedestrian access within the Project site would be provided via installation of a pedestrian sidewalk, five-feet in width, along the west side of the new Private Road connecting to Melba Road.

Melba Road Improvements/Pedestrian Improvements

The Project proposes to dedicate to the City as additional right-of-way (ROW) approximately ten (10) feet of property adjacent to the Project site on Melba Road. This dedication would widen the Melba Road right-of-way (ROW) along the project frontage to 50 feet to facilitate the widening and improvement of Melba Road in compliance with City of Encinitas Public Roadway Standards for a Residential/Neighborhood street.

The proposed Melba Road improvements would remove portions of the existing asphalt sidewalk along the north side of Melba Road, realign and replace it with a five (5) foot asphalt/concrete curb, gutter, sidewalk and two ADA-compliant curb ramps on either side of the new private road (**Figure 2-6, Melba Road Improvements**). As shown on **Figure 2-6**, three (3) existing mature Torrey Pine trees and one Coast Live Oak are located within the proposed ROW; specifically Tree Nos. 106[2], 107, 108 and 109. These trees would be removed to accommodate proposed roadway and sidewalk improvements consistent with City standards.

2.3.3. Parking

The proposed Project would provide a total of 128 parking spaces (**See Figure 2-7, Curb Utilization Exhibit**). Of this total, 73 spaces would be provided within the enclosed garages; 39 spaces would be provided within the driveways of the residential uses, and 16 on street parking spaces would be provided along the private road. This total exceeds the off-street parking requirement of 87 spaces.

2.3.4. Landscaping

A landscape plan has been prepared for the Project as shown on **Figure 2-8, Conceptual Landscape Plan**. As previously noted, the Project would retain the mature on-site Torrey Pine tree (Tree No. 119) located west of existing Lot 1 (Proposed Lot C).

[2] Tree Nos. identified in the Torrey Crest *Tree Survey Report* (Wisniewski & Associates, 2023; Appendix C-2).

All remaining ornamental landscaping on the Project site would be removed to enhance the aesthetic appearance of the property and accommodate installation of the pedestrian sidewalk on the north side of Melba Road. This includes the three (3) on-site mature Torrey Pine trees and one on-site mature Coast Live Oak (Tree Nos. 106[3], 107, 108) located in the area of the proposed sidewalks. Two (2) off-site trees would also be removed, (Tree Nos. x26 and x30) with approval having been granted by the tree's owners. Tree No. x26 is a small invasive species near 1210 Melba Road. Tree No. x30 is proposed for removed to allow for the construction of the stormwater drain line near 240 Whitham Road. Tree No. x30 would be replaced at a ratio of 3:1 with a species selected by the tree owner.

A variety of native trees, medium and low shrubs, groundcovers and vines, listed in **Table 2-3**, would be installed along the Project entrance on Melba Road; within the front yards of all residences; along the western and northern perimeter of the site, north of Island View Lane, within the HOA grassy areas north of Lot 9 and east of Lot 20, and along the rear of Lots 27 through 30. The Conceptual Landscape Plan also includes the installation of four (4) trees species for a total of 127 trees to replace mature trees on the Project site. All trees that would be removed would be replaced with 24-inch box containers 15-gallon trees at a 1 to 1 ratio. The existing Torrey Pine tree that would be retained (Tree No. 119) would be protected during construction, in compliance with the City's *Urban Forest Management Program Administrative Manual of Procedures* (March 2022).

Additional plantings would be comprised of tall, medium, and low shrubs, as well as vines, groundcovers and grass lawns. Specific species would be selected from 15 possible tall and medium shrubs, seven (7) possible low shrubs and groundcovers and 3 possible vines. In addition, three (3) possible types of vegetation would be installed within the bioretention basins as well as within the two (2) grass lawn areas located north of Lot 9 and east of Lot 20. The proposed landscape improvements include the use of non-invasive drought tolerant and native plant material in compliance with Section 7 of the City of Encinitas Design Guidelines.

TABLE 2-3. PROPOSED ORNAMENTAL LANDSCAPE SPECIES

Tree Species		
Botanical Name	**Common Name**	**Quantity**
Arbutus Marina *Alt. Metrosierous Excelsa*	Strawberry Tree New Zealand Christmas Tree	48
Cercis occidentalis *	Western Redbud	56
*Prunus ilicifolia**	Hollyleaf Cherry	7
*Quercus agrifolia**	Coast Live Oak	16
	TOTAL	***127***
Tall Shrubs		
Botanical Name	**Common Name**	
Arctostaphylos Spp. *	Manzanita	
Dedonaea Viscosa 'Pupurea'	Purple Hopseed Bush	

[3] Tree Nos. identified in the Torrey Crest *Tree Survey Report* (Wisniewski & Associates, 2023; Appendix C-2).

TABLE 2-3. PROPOSED ORNAMENTAL LANDSCAPE SPECIES

*Herteromeles Arbutifolia**	Toyon
*Quercus Berberidifolia**	Scrub Oak
*Quercus Dumosa**	Coastal Scrub Oak
*Rhamnus California**	Coffeeberry
*Rhus Integrifolia**	Lemonade Berry
*Romneya Coulteri**	Couter's Maltilja Poppy
Westeringia Fruiticosa	Coast Rosemary
Medium Shrubs	
*Agave Spp. **	Agave
*Aloe Spp.**	Aloe
Bougainvillea	Bougainvillea
Callistemon Little John	Little John Bottle Brush
*Salvia Spp. **	Sage
Low Shrubs & Groundcovers:	
*Baccharis Pilularis & CV.**	Dwarf Coyote Brush
*Calliandra Eriophylla **	Fairyduster
*Leymus C. Canyon Prince**	Canyon Prince Wild Rye
Tall Shrubs (Continued)	
*Muhlenbergia Rigens **	Deer Grass
Myoporum Parvifolium & CV.	Prostrate Myoporum
Rosmarinus Officinalis CV.	Prostrate Rosemary
Senecio Mandraliscae	Blue Chalk Sticks
Vines	
Bougainvillea CV.	Bougainvillea CV
Ficus Pumila	Creeping Fig
Pyrostegia Venusta	Flame Vine
Retention Basin Vegetation	
*Carex Tumulicola**	Berkeley Sedge
*Carex Pansa**	Dune Sedge
Mulhebergia Capillaris	Pink Muhly
Grass Lawn	
Festuca Arundinacea	

Notes: * Denotes native plant.

Source: Conceptual Landscape Plan prepared by gmp Landscape Architecture and Planning, October 24, 2023 (Appendix N).

In addition to the trees along Melba Road, a variety of shrubs and groundcover would be provided along the project frontage. The landscape design would include low and medium shrubs closer to the edge of the sidewalk on Melba Road, with taller shrubs further from the sidewalk. Taller shrubs

would be maintained approximately to the heights of the walls or fences around the bioretention basin on the southwest side of the property to screen the basin and break up the appearance of the safety fence surround its perimeter, at a height that would allow pedestrians some visibility into the basin.

For the market-rate residences, private landscaping would be provided at a future date by the homeowner, and is not included as part of the Project. As a condition of approval, all landscaping and required trees shall be planted prior to final occupancy of the last single-family residence to be sold.

2.3.5. Fencing and Walls

Wood or vinyl privacy fencing up to six feet in height would be constructed around the perimeter of the property on the east, west, and north sides, and between lots (See **Figure 2-8, Landscape Concept Plan**). Along the south side of the Project site, adjacent to Melba Road, a six-foot high masonry slump wall would be installed on the south side of Lot 30, behind the frontage landscaping. A retaining wall would be installed along the western and southern perimeter of Lot 1, behind the frontage landscaping and bioretention basin and a five-foot high steel fence would be installed along with north and eastern perimeter. Lots 2 through 11 would be given the option for a six feet steel view fence in lieu of a six feet wood fence along the western perimeter. A retaining wall would be installed around the bioretention basin on Lot F, and a 3- cable guardrail would be installed on top of the retaining wall on the west side of the property adjacent to Lots 2 through 10, on the south side of Lot 10 and the north side of Lot 11.

2.3.6. Architectural Design

The Project includes three (3) different architectural styles (California Coastal Modern, California Coastal Rustic, and California Coastal Classic); seven (7) different floor plans, and 15 different color and material schemes distributed throughout the site **(Figure 2-11, Architectural Site Plan).** Of the 30 homes, 22 would be two-story structures and eight (8) would be one-story. The lots would range in size from 4,410 square feet (SF) to 13,038 SF (**Figure 2-3, Proposed Lot Layout**).

The Coastal Modern style units would use materials such as stucco, composite wood siding and brick veneers, with metal trellis elements, tight eaves and minimal overhangs. The windows would be contemporary and in a mullion pattern with corner windows being used in key areas. The color scheme of the transitional modern units would be cool with bolder accent colors.

The Coastal Rustic style units would have materials such as vertical and horizontal siding, stone veneers, eave overhangs with rafter tails, stained wood trellis elements, and metal window awnings. The color scheme of the rustic modern units would be warm and earthy.

The Coastal Classic style units would have materials such as board and batten, horizontal siding, eave overhangs with tails, prominent gable roof forms, wood trellis elements and accent shutters.

The color palette would be neutral with contrasting trim. All three styles would complement each other, as well as the Project site area as a whole (**Figure 2-12a through 2-12c Street Scenes**). Architectural Plans for the Project are provided in Appendix L and include floor plans, building elevations, street scenes, color and material schemes.

2.3.7. Utility and Infrastructure Improvements

Drainage/Stormwater Improvements

An existing single-family residence and accessory structures toward the center-north portion of the Project site essentially sit on the site's high point, with drainage falling away in all directions from this location. Under current conditions, the majority of the Project site drains to the west, via sheet flow, along both Melba Road and Island View Lane, and continues downstream towards Encinitas Boulevard, ultimately draining to the Pacific Ocean via Moonlight State Beach.

Runoff from the northeastern section of the Project site drains to the east, via sheet flow, towards Witham Road. A portion of the runoff from this area flows north within an existing brow ditch in a public drainage easement before outletting to Witham Road via an 18-inch storm drain. The brow ditch and public drainage easement traverse the rear yards of several off-site properties and the location of this drainage ditch presents access and maintenance challenges for the City of Encinitas Public Works Department to ensure proper drainage and conveyance over the long term. This area has been prone to flooding due to lack of maintenance (Pasco Laret Suiter, 2024b; Appendix H-1).

A portion of runoff from the northern section of the Project site flows south through adjacent properties to Witham Road and Crest Drive, before entering a curb inlet at the intersection of Crest Drive and Hickoryhill. The southeastern section of the Project site also drains to the east, eventually making its way down to Crest Drive. All runoff leaving the site the east ultimately reaches Encinitas Creek, which eventually discharges into San Marco Creek, a tributary of Batiquitos Lagoon.

The Project site also receives off-site run-on from adjacent properties to the east, namely 1250 and 1274 Melba Road, which is conveyed onto the Project site and discharged at the Melba Road curb face.

In conformance with the City of Encinitas' stormwater design standards and the multiple separate storm sewer system (MS4) permit, all runoff generated on-site would be conveyed to two biofiltration basins, Biofiltration Basin A (Lot C: 9,141 SF) and Biofiltration Basin B (Lot F; 3,778 SF) (**See Figure 2-13, Preliminary Utility Plan)**. Biofiltration Basin A would be located south of Lot 1, just north of Melba Road and would discharge treated runoff to the surface of Melba Road. Biofiltration Basin B would located in the northeastern portion of the Project site, west of Lot 18 and would discharge to Witham Road. To alleviate occasional flooding, the Applicant obtained a private stormwater easement through the existing lot at 240 Witham Road. Stormwater runoff would no longer be routed to the existing brow ditch, but instead would be rerouted to, and collected within,

Biofiltration Basin B. This biofiltration basin will discharge to a new 18-inch HDPE private stormwater pipeline located within the new stormwater easement and discharge to the curb outlet on Whitham Road. From there it would flow east to Crest Drive and eventually discharge into San Marcos Creek, a tributary of the Batiquitos Lagoon.

Both biofiltration basins would consist of a pre-treatment biofiltration basin, with an impermeable liner and a gravel storage layer and would be sized for pollution and flow control purposes. Both biofiltration basins would be maintained in perpetuity by the Homeowner's Association, as required by the City. Additionally, two small self-mitigating areas have been included in the rear yards of Lot 1 and Lots 25/26 to accommodate existing topography around large trees.

The Project would implement various source control and site design BMPs required of all development projects in the City of Encinitas. Runoff from proposed hardscape areas would be directed to landscaped areas in an effort to disperse drainage to pervious surfaces. Landscaping would remove sediment and particulate-bound pollutants from storm water and would assist in decreasing peak runoff by slightly increasing the site's overall time of concentration. Additional site design and source control measures would be implemented as applicable. Please see **Section 3.6, Hydrology and Water Quality**, for specific details regarding the proposed stormwater improvements.

Sewer and Potable Water Line Improvements

The Project site is located within the Cardiff Sanitation District (CSD) for wastewater treatment and collection. Wastewater would be conveyed off-site within new 8-inch polyvinyl chloride (PVC) sewer mains that would be installed within the new the private road. The new sewer line would run under the new private road and connect to the existing 8-inch vitrified clay pipe (VCP) sewer main within Melba Road for conveyance to the Encina Water Pollution Control Facility (EWPCF). Two new 60-inch sewer manholes would be constructed along the new private roadway and 4-inch sewer laterals would be provided to each residential lot.

The Project site is located in the San Dieguito Water District (SDWD) service area), which currently provides public water services to the site. The Project would install a new 8-inch PVC watermain within the new private road and connect to the SDWD's existing 6-inch asbestos-cement pipe (ACP) water main within Melba Road. Additionally, as presented on **Figure 2-13, Proposed Utility Plan**, an approximately 350 linear foot segment of the existing off-site 6-inch waterline within Melba Road, between Oceanic Drive and Wotan Drive, would be replaced (i.e., "upsized") with a new 8-inch waterline.

The proposed Project would comply with Federal, State, and local plans, policies, and regulations and Executive Order B-40-17, which prohibits wasteful water use.

Lighting/Overhead Utilities

Three (3) pedestrian scale street lights would be installed along the proposed pedestrian facilities ; one at the Project entrance; one near the mailboxes in the middle of the property (north of Lot 9), and one at the end of the cul-de-sac at the northeast side of the property (south of Lot 17). All lighting would be directed and shield to prevent glare on adjacent properties. Additionally, two wooden utility poles would be removed.

In compliance with 2022 California Energy Code, Title 24, Part 6, the Project will install all wiring or conduits in each residence for future installation of photovoltaic energy generation.

2.3.8. Project Construction

Construction of the Project would occur in one phase, projected to last 12 months, starting in mid-2024. During construction, access to the Project site would be from Melba Road. Construction staging would occur within the boundaries of the Project site. All existing structures would be removed and existing trees/landscaping would be removed as described in **Section 2.3.4, Landscaping**.

The Project would require approximately 24,500 cubic yards (CY) of cut and 5,500 CY of fill, resulting in a next export of 19,000 CY over an approximately 30 day period to implement the grading plan, create the development pads and improvement areas, and install all underground utilities and stormwater basins. Preliminary grading plans, Sheets 4, 5 and 6 are presented on **Figure 2-5a, Figure 2-5b**, and **Figure 2-5c**, respectively. All construction activity would occur within the City's allowable construction hours (EMC Section 9.32.410), between 7:00 AM and 7:00 PM, Monday through Saturday. The number of construction staff working on the Project site at a given time would vary, depending on the phase of construction.

2.4. General Plan Land Use and Zoning

The City of Encinitas General Plan Land Use Map designates the site as R3 (Residential), and the existing zoning is Single-Family Residential 3 (R-3) with a minimum net lot area of 14,500 square feet. These land use and zoning designations are intended to support single-family residential uses. The Project site is located within the Coastal Overlay Zone.

2.5. Environmental Setting

2.5.1. Regional Setting

The City of Encinitas is located in northwestern coastal San Diego County. It is bordered to the south by Solana Beach and to the west by the Pacific Ocean. Carlsbad borders Encinitas to the northeast and extends farther to the east and north, across Batiquitos Lagoon.

2.5.2. Local Setting

The Project site is located within the community of Old Encinitas, one of the five communities in the City. Melba Road forms the southern border of the Project site and Oak Crest Middle School borders the site to the north. Local access to the site is via Interstate 5 to westbound Santa Fe Drive, north on Oceanic Drive and west on Melba Road. Direct access to the site would be from Melba Road.

The site is zoned R-3 and is surrounded by Oakcrest Middle school on the north and single family residences on the east, west and south. Seaview Farm (horse farm/horse stable) is located immediately west of the site with additional single family residences, and churches further west on Balour Drive. Interstate 5 is located more than one mile west of the Project site. A portion of the area south of Melba Road is zoned R-5, which allows residential densities of five (5) dwelling units per acre. The area west of Balour Drive is also within the R-5 zone **(Figure 2-14, Existing Zoning**).

The Project site is completely disturbed and is developed with residential use and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. Previous uses have included orchards (from approximately 1947 to 1953) and greenhouses(from approximately 1980 to 1991 (Geocon, 2021). As shown on **Table 2-4**, the Project site has four (4) existing single family residences (SRF) and two (2) accessory dwelling units (ADU); however only three (3) of the SFR and one (1) of the ADUs were occupied when the Notice of Preparation (NOP) was published in on May 6, 2022.

TABLE 2-4. EXISTING SITE DEVELOPMENT [(1)]

Address	APN	Existing Use		Occupancy Status [(1)]
		Structure Count	Land Use Type	
1190 Island View Lane	259-181-03-00	1	Single Family Residence	Vacant
		1	Shed/Ancillar Building	- -
		1	Garage	- -
1220 Melba Road	259-180-16-00	1	Single Family Residence	Occupied
		1	Garage	- -
1230 Melba Road	259-180-33-00	1	Single Family Residence (1230)	Occupied
		1	Accessory Dwelling Unit (ADU) (1230 A Melba Road)	
1234 Melba Road	259-180-10-00	2	Personal Greenhouses	- -
		1	Admin. Bldg.	- -
1240 Melba Road	259-180-09-00	1	Single Family Residence	Occupied
		1	Guest House (ADU – 1240A Melba Road)	Occupied

TABLE 2-4. EXISTING SITE DEVELOPMENT [(1)]

Address	APN	Existing Use		Occupancy Status [(1)]
		Structure Count	Land Use Type	
		1	Garage	- -
		1	Shed	- -
Unassigned Address on Balour Dr.	259-181-02-00	--	None	- -
Unassigned Address on Balour Dr. (formerly 1180 Balour Dr.)	259-181-04-00	--	None	- -

Notes: (1) At time of NOP Publication -- = Not Applicable.

Source: Torrey Pacific Corporation, Density Bonus Report dated October 26, 2023 (Torrey Pacific Corporation, 2024b.

Physically, the Project site is relatively flat to gently sloping with on-site elevation ranging from 370 to 400 feet above mean sea level (GEOCON, 2022). The highpoint of the site is located within its central portion with drainage falling away in all directions. Less than 2% of Project site contains slopes over 25% (**Figure 2-15 Slope Analysis**).

According to the California Department of Forest and Fire Protection's (CAL FIRE) 2023Fire Hazard Severity Zone Map (FHSZM), the Project site is not located within or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection, 2023).

2.6. Intended Uses of this 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, as it is the agency with primary authority over the Project's discretionary approvals. Several other agencies, identified as responsible and trustee agencies, will 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 2-5**.

TABLE 2-5. REQUIRED APPROVALS AND PERMITS

Permit/Action Required	Approving Agency	Agency Designation (Lead/Trustee/ Responsible)
Density Bonus Tentative Map	City of Encinitas (City)	Lead Agency
Design Review	City	Lead Agency
Coastal Development Permit	City	Lead Agency
Encroachment Permit (for work within Melba Road ROW)	City	Lead Agency
Grading Permit	City	Lead Agency
Building Permit(s)	City	Lead Agency

TABLE 2-5. REQUIRED APPROVALS AND PERMITS

Permit/Action Required	Approving Agency	Agency Designation (Lead/Trustee/ Responsible)
Affordable Housing Plan	City	Leady Agency
Landscape Plan	City	Lead Agency
General Construction Stormwater Permit	San Diego Regional Water Quality Control Board	Responsible Agency
Tree Protection Plan (for mature on-site and boundary trees that would be retained)	City	Lead Agency

2.7. Past, Present, and Reasonably Anticipated Future Projects

Cumulative effects or impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (California Code of Regulations, Title 14 § 15130[b]). Cumulative impacts are the change caused by the incremental impact of the Project evaluated in the EIR combined with the incremental impacts from past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over time.

Section 15130 of the CEQA Guidelines states that cumulative impacts shall be discussed when the project's incremental effect is "cumulatively considerable." It further states that this discussion shall reflect the level and severity of the impact and likelihood of occurrence, but not in as much detail as the project itself. The information used in an analysis of cumulative impacts can come from two sources:

A. A list of past, present, and probable future projects producing related cumulative impacts, including, if necessary, projects outside of the control of the agency.

B. A summary of projections in an adopted general plan or related planning document, or in a prior environmental document that has been adopted or certified, that described or evaluated regional or area-wide conditions contributing to the cumulative impact.

The cumulative impact analyses in this EIR use a combination of sources A and B. Depending on the environmental category, the cumulative impact analysis may use either data source. Some impacts are site specific, such as biological resources, and others may have impacts outside the City boundaries, such as regional air quality effects.

2.7.1. Potential Cumulative Projects

A list of existing, approved, proposed, and reasonably foreseeable projects used in this cumulative analysis are provided in **Table 2-6 and Table 2-7**. The location of Potential Cumulative Projects is

shown on **Figure 2-16**. Please refer to sections in Chapter 3, Environmental Analysis, for a discussion of the potential environmental impacts associated with cumulative developments.

Summary of Projections in Updated Housing Element

In April 2021, the City of Encinitas approved the 6th Cycle Housing Element Update for 2021-2029 (Updated HEU). Along with identifying housing programs aimed at new housing construction, rehabilitation, and conservation of the existing affordable housing stock, the Update also identified specific "Housing Element Sites (HES)" that were suitable for lower income housing which were included in the R-30 Overlay Zone. Additionally, the Update included a projected number of very-low and low income housing units that could be accommodated on each HES.

At the time of the NOP's publication, several of the "Housing Element Sites" had either been approved for development, or were in the process of seeking development approval. For this reason, it is reasonably foreseeable that the remaining Housing Element Sites would also file application(s) for development. Housing Element Sites having "active development applications" are identified in **Table 2-6**. The remaining Housing Element Sites that do not have "active development applications", along with their projected yield of affordable dwelling units are presented on in **Table 2-7**.

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
1.	Westmont of Encinitas Assisted Living (a)	Richard Lux	93 unit assisted living facility on 3.24-acre site.	Complete	1.3 miles southeast
2.	San Elijo Water Reclamation Facility Upgrades (b)	San Elijo Joint Powers Authority	Upgrades, rehabilitations and replacements at San Elijo Water Reclamation Facility as identified in the 2015 Facility Plan.	Complete	1.7 miles southwest
3.	The Lakes Residential Subdivision (c)	Buffalo of Birmingham Investors, LLC	9 single-family homes on 5.53 acre-site.	Project Approved (2019)	1.1 miles south
4.	Manchester Estates (d)	City of Encinitas	12 single-family homes on 22.3-acre site	Withdrawn	1.4 miles southeast
5.	Marea Village Mixed Use Development Project (e) (*)	Encinitas Beach Land Venture I, LLC	Mixed use development consisting of 94 multiple-family units, a boutique resort hotel (30 rooms), and 18,262 SF of commercial.	PC Approved 6/16/22 CC denied appeal 8/10/22	3.6 miles northwest
6.	Fox Point Farms (f) (*)	Nolen Communities, LLC	"Agrihood" community on 21.48-acre site. Uses include 250 condominium units, community gardens, trails, recreation, restaurant, and farming operations.	Under Construction.	1.9 miles northwest
7.	Belmont Village Encinitas-by-the-Sea (g)	Greystar, Inc.	188-unit senior care facility and 16 single-family units on 9.027-acre site. Project includes open space lots and improvements to Manchester Avenue.	Project Approved (June 2021) Under grading/building permit review	1.8 miles southeast
8.	Sanderling Waldorf School (h)	Waldorf in North Coastal, Inc.	Pre-K through 8th grade private school (270 students maximum) on a 3.68-acre site.	Withdrawn	0.9 miles northwest
9.	Vulcan Avenue Apartments (k) (*)	Vulcan Encinitas LLC	Demolish existing structures and parking area and construct 72 multiple-family apartments.	Under Construction.	3.6 miles northwest
10.	735 Santa Fe Drive (l)	Unknown	Construction of 14 single-family residences, new hardscape and landscape with a private access road.	City Review in Progress	0.6 miles southwest
11.	845 Santa Fe Drive MULTI-004398-2021 (l)	The Swell Fund	A residential project replacing an existing church with 57 dwelling units	City Review in Progress	0.5 miles southwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
12.	1146 Evergreen Drive (l)	L.H. Woods & Sons, Inc.	A residential project with 3 dwelling units	City Review in Progress	0.3 miles southwest
13.	3rd Street Duplex (m)	221 West G Street, LLC	Duplex with two detached 2-car garages.	City Review in Progress	1.5 miles west
14.	777 Mixed Use Project (n)	777 2nd St, LLC	Mixed use development including 9 multiple-family units and commercial space.	Building/Grading Permits under City Review	1.5 miles west
15.	Scripps Encinitas Acute Care Building (o)	Scripps Memorial Hospital Encinitas	Acute care building (600,000 SF) at Scripps Encinitas Hospital Campus.	Under Construction	1.0 miles west
16.	Chesterfield Office Building MULTI-003062-2019 (p)	Dale Wilson	Remodel exterior façade of existing office building, add second story balcony, update parking lot and landscaping, provide ADA accessibility.	City Review in Progress	1.6 miles southwest
17.	Sage Canyon Apartments (k) (1)	Sage Canyon Investors, LLC	Construction of 135 residential apartment units (No Street Address; APN 262-061-85-00)	Approved/ Pending Coastal Commission Appeal	1.1 miles southeast
18.	Quail Meadows Apartments (k) (*)	Baldwin and Sons, Inc.	Construction of 485 residential apartment units located at 185, 195, 211 & 225 Quail Gardens Drive.	City Review in Progress	0.8 miles northwest
19.	Sunshine Gardens Apartments (k) (*)	Nolen Communities, Inc.	Construction of 140 residential apartment units located at 155 Quail Gardens Drive and 628 and 630 Encinitas Boulevard in Old Encinitas.	Under Construction.	0.8 miles northwest
20.	Weston Subdivision (q)	DCM Properties, Inc.	Construction of 46 single-family residential units located at APNs 216-030-10-00, 216-030-45-00, and 216-030-46-00.	Project Approved (April 2019)	3.5 miles northwest
21.	Saints Constantine and Helen Senior Apartments (k) (*)	Saints Constantine and Helen Greek Orthodox Church	Construction of 60 residential apartment units, 3459 Manchester Avenue	Building/Grading Permits under City Review	1.5 miles southeast
22.	Moonlight Station Apartments (k) (*)	Raintree Partners, LLC	Construction of 202 residential apartment units, located at 550 Encinitas Blvd.	Approved	0.8 miles northwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
23.	Clark Street Apartments (k) (*) MULTI-004609-2021, DR-004610-2021; BADJ-004611- 2021, CDPNF-004612-2021, USE-005506-2022	Ken O'Neill	Construction of 199 residential apartment units, 662, 672 & 682 Clark Avenue and 556 Union Street	Building/Grading Permits under City Review	1.7 miles northwest
24.	La Costa Boutique Hotel (q)	DM La Costa Ave, LLC	Construction of 17-unit hotel and restaurant.	City Review in Progress	3.5 miles northwest
25.	Birdseye Kitchen Expansion MULTI-4830-2021, USE-4831-2021, CDPNF-4832-2021, CPP-5042-2021 (w)	Roberto Vigilucci and Jody Morris	Minor Use Permit Modification and Coastal Development Permit for the expansion of an existing restaurant (Bird's Eye Kitchen) with alcohol service into an adjacent restaurant tenant space.	Complete	2.2 miles northwest
26.	736-738 Neptune Bluff Stabilization MULTI-4439-2021, CDP-4440-2021, USE-4441-2021, CPP-4453-2021 (x)	Liz Tuttle and Diane Langager	Coastal Development Permit for construction of an upper bluff seawall and associated improvements on the subject property.	City Review in Progress	2.4 miles northwest
27.	Marcheta New Single-Family Residence CDP-004213-2020, CDP-004214-2020 (y)	Ben Ryan	Coastal Development Permit to allow the demolition of an existing duplex and accessory structures, the construction of two new single-family residences, and site improvements.	Under Construction	2.0 miles northwest
28.	Osuna Single-Family Residence CDP-004706-2021 (z)	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.6 miles northwest
29.	Osuna Single-Family Residence CDP-004707-2021 (aa)	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.6 miles northwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
30.	Osuna Single-Family Residence CDP-004708-2021 (bb)	Jaime Osuna	Coastal Development Permit to construct a new single-family residence with a detached accessory dwelling unit on a vacant lot.	Under Construction	0.7 miles northwest
31.	Rippy Tentative Map Time Extension MULTI-004699-2021 (cc)	Ciara Trujillo	Time Extension for approved Tentative Parcel Map and Coastal Development Permit (Case No. 18-055 TPM/CDP, DSD 2019-27).	Project Approved (January 2022)	0.5 miles west
32.	Umar Remodel CDP-004827-2021 (ee)	Greg Jordan	Coastal Development Permit for the remodel of a condominium including raising the plate height on the western wall to 11 feet.	Abandoned	3.5 miles northwest
33.	Milligan Residence MULTI-4519-2021, DR-4524-2021, CDP-4522-2021 & USE-4785-2021 (ff)	Tim Milligan	Minor Use Permit, Administrative Design Review Permit, and Coastal Development Permit for the construction of a new one-story single-family residence (4,006 SF), detached garage (1,144 SF), and a detached Accessory Dwelling Unit (850 SF).	Under Construction	1.4 miles southwest
34.	Hanwit New Single-Family Residence CDP-004541-2021 (gg)	Jonathan Hanwit	Coastal Development Permit to demolish all onsite structures and construct a new primary single-family residence with site improvements on a vacant lot	Under Construction	2.4 miles northwest
35.	615 Arden LLC Single-Family Residence CDP-004654-2021 (hh)	615 Arden LLC	Coastal Development Permit to demolish an existing residence and construct a new single-family residence on an existing vacant lot, and a temporary construction trailer.	Under Construction	1.2 miles northwest
36.	Stern Remodel & Addition CDP-5111-2022; CPP-5137-2022 (ii)	Tommy Young and Bart Smith	Remodeling of, and two story addition to, an existing two story single family residence. The proposed renovations and additions will result in a total building size of 4,116 square feet.	Under Construction	2.8 miles northwest
37.	Welcher Residence MULTI-003575-2020; BADJ-003576-2020; CDP-002828-2018 (ll)	BA Worthing Inc	Coastal Development Permit and Boundary Adjustment to convert existing triplex into a single-family residence with a JADU and attached ADU and consolidate three lots into one.	Under Construction	1.4 miles northwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
38.	565 Westlake Netly Generator MULTI-004622-2021, DR-004623-2021, CDPNF-004624-2021 (mm)	Robert and Brenda Kleege	Administrative Design Review Permit and Coastal Development Permit to install a new power generator behind Building 100 within an existing light industrial property.	Permit Withdrawn	0.6 miles northwest
39.	La Costa 48 Tentative Map Time Extension EXT-004953- 2021 (nn)	Brian Ardolino	A one-year time extension for approved Planning Case No. 15-222, a Tentative Map-Density Bonus Coastal Development Permit, Design Review, and Environmental Impact Report.	Complete	3.5 miles northwest
40.	Goldberg Residence CDP-005197-2022 (oo)	Christopher Miller and Soheil Nakhshab	Coastal Development Permit to allow for the construction of a single family home	Under Construction	1.1 miles southwest
41.	Pacific Station MULTI-005239-2022 SIGN-004817-2021 CDPNF-005240-2022 (pp)	Paul Nangle	Request for a Sign Program and Coastal Development Permit to modify an existing sign program	Project Approved (April 2022)	1.4 miles northwest
50.	Cannon Property MULTI-005158-0022 (qq) (*)	Piraeus Investor, LLC.	Multi-Permit (Tentative Map, Design Review, Coastal Development Permit and Density Bonus) for a 149 townhomes and site improvements on a vacant lot (6.93-acres) on an R-30 zoned site identified in the Housing Element Update (6th Cycle as Site 02).	Project Approved	2.9 miles northwest
51.	Moonlight Mixed Use Design Review CDP TM/DB (rr)		The mixed-use project: office uses (32,000 SF), 2,600 SF restaurant, 45 DUs and underground parking (200 spaces). Existing Portofino, adjacent commercial structures, and Captain Keno's restaurant would be demolished	City Review in Progress	1.8 miles northwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
53.	Olivenhain Estates DB MULTI-004190-2020 105 S Rancho Santa Fe Rd	Andrew Kean	TMDB/DR for a 14-lot Density Bonus Subdivision.	City Review in Progress	1.5 miles west
54.	Burtech Mixed-Use MULTI-004198-2020 102 Second St	Dominic Burtech	15 attached DUs (13 market-rate 2 affordable very-low income units)	City Review in Progress	1.89 miles northwest
55.	Carefield Living Encinitas MULTI-004789-2021 1877 Olivenhain Road	SH 5 Encinitas LLC	Demolition of portions of an existing equestrian facility and construction of new assisted care facility 70 units (22 memory care and 48 assisted living) with portions of the equestrian facility and use remaining.	City Review in Progress	2 miles northeast
56.	141 Quail DB MULTI-004066-2020 141 Quail Dr.	Elizabeth Hanson	A Density Bonus Tentative Map, Administrative Design Review Permit and Coastal Development Permit to subdivide an existing lot into eight new lots (with eight ADUs each) with grading exceeding maximum cut and fill.	City Review in Progress	1.1 miles west
57.	Andrew 241 DB MULT-005053-2021 241 Andrew Ave	May Family Trust 1972	12 units + 7 ADUs	City Review in Progress	3.6 miles northwest
58.	Vulcan 12 MULTI-002569-2018 555 North Vulcan Avenue	DLS Holdings LP	Consolidation of two parcels, demolition of onsite structures, and construction of 12 detached DUs; site and road improvements, and a temporary construction trailer.	Building and Grading Permits under Review	2.3 miles northwest
Public Improvements					
42.	North Coast Highway 101 Streetscape Improvements (r)	City of Encinitas	Street improvements to North Coast Highway 101 between La Costa Avenue and A Street.	Project Approved (March 2018)	1.6 miles northwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
43.	Birmingham Streetscape MULTI-2718-2017, CDP-2719-2018; DR-4386-2021 (17-238 DR/CPP) (s)	City of Encinitas	Installation of sidewalks, pavement overlay, a roundabout at Newcastle Drive, undergrounding overhead utility lines, upgrading street lighting, landscaping, low impact drainage concepts.	City Review in Progress	1.1 miles southwest
44.	Verdi Pedestrian Rail Undercrossing MULTI-003985-2020; DR-003986-2020; CDPNF-003987-2020; CPP-003988-2020 (18-094 DR/CDP) (t)	City of Encinitas Capital Improvements Division	Installation of pedestrian undercrossing at San Elijo Ave., between Liszt Ave. and Verdi Ave. Pedestrian Rail, new sidewalk, cairns, benches, decorative sidewalk and artistic attributes, landscaping, crosswalks and crosswalk at Highway 101 with signal control within NCTD and City ROW.	City Review in Progress	1.5 miles southwest
45.	Santa Fe Drive Improvements Case Nos. MULTI-004417-2021; DR-004418-2021; CDPNF-004419-2021; and CPP-004420-2021 (u)	City of Encinitas	Construction of sidewalk, curb and gutter, bicycle lanes, round-about, and curb ramps for 1.25-mile segment of Santa Fe Drive, from I-5 to El Camino Real. Three-year construction timeline.	Approved February 3, 2022	0.3 miles south
46.	North Coast Highway 101 Drainage Improvement Project CDPNF-004271-2020/ CPP-004272-2020 (v)	City of Encinitas	New stormwater pipeline infrastructure to reduce flooding along North Coast Highway 101 between Basil Street and La Costa Avenue.	City Review in Progress	2.2 miles northwest
47.	B Street Sewer Main Improvements Streets Project CDP-004916-2021; CPP-004963-2021 (dd)	City of Encinitas	Sewer main improvements on B Street from alley between Third Street and Fourth Street to Third Street. Existing vitrified clay pipe would be replaced with polyvinyl pipe.	City Review in Progress	1.7 miles northwest
48.	S. Coast Highway 101 Sidewalk to Solana Beach Project	Matthew Edgeworth	Construction of 675 LF of curb, gutter and sidewalk, grading, construction of retaining walls, railing, new curb ramps and crosswalk striping on the west side of South Coast Highway 101 between	City Review in Progress	2.6 miles southwest

TABLE 2-6. POTENTIAL CUMULATIVE PROJECTS – PAST, PRESENT & REASONABLY ANTICIPATED FUTURE PROJECTS

No.	Project Name	Owner/Applicant	Summary Project Description	Status	Distance
	CPP-005167-2022; USE-005157-2022 (jj)		South Cardiff State Beach Parking Lot Entrance and southern city boundary with Solana Beach.		
49.	Beacon's Beach Parking Lot Improvements MULTI-5151-2022; USE 5152-2022; CDPNF-5152-2022; CPP-5148-2022 (kk)	Matt Widelski	Major Use Permit and Coastal Development Permit for modifications to an existing parking lot along the bluff access point for Beacon's Beach, west of Neptune Ave.	City Review in Progress	2.7 miles northwest
52.	Lake Drive Storm drain Improvements (ss) Design Review Permit and Coastal Development permit	City of Encinitas	Construction of detention basin west of Lake Drive in APN 261-150-69. The existing 48-inch CMP would be removed and replaced with 48-inch reinforced concrete pipe for 2,000 feet, from the basin to the drainage structures underneath I-5 . Existing asphalt access road from Lake Drive would be overlain with asphalt concrete to provide access to the basin and new storm drain pipes.	City Review in Progress	1.3 miles south

Notes: *All or portion of project is an active HEU Project. I-5 = Interstate 5 SF = square feet HEU = Housing Element Update PC = Planning Commission CC = City Council

Sources:

(a) Westmont of Encinitas, 2021
(b) Coast News Group, 2021
(c) City of Encinitas, 2019a.
(d) City of Encinitas, 2003.
(e) City of Encinitas, 2021a.
(f) City of Encinitas, 2020a.
(g) City of Encinitas, 2021b.
(h) City of Encinitas, 2019b.
(k) City of Encinitas, 2021c.
(m) City of Encinitas, 2021d.
(n) City of Encinitas, 2021e.
(o) City of Encinitas, 2021f.
(p) City of Encinitas, 2021g.
(q) City of Encinitas, 2019c.
(r) City of Encinitas, 2018a.
(s) City of Encinitas, 2021h.
(t) City of Encinitas, 2021i.
(u) City of Encinitas, 2021j.
(v) City of Encinitas, 2021l.
(w) City of Encinitas, 2021m.
(x) City of Encinitas, 2021n.
(y) City of Encinitas, 2021o.
(z) City of Encinitas, 2021p.
(aa) City of Encinitas, 2021q.
(bb) City of Encinitas, 2021r.
(cc) City of Encinitas, 2021s.
(dd) City of Encinitas, 2021t.
(ee) City of Encinitas, 2022a.
(ff) City of Encinitas, 2022b.
(gg) City of Encinitas, 2022c.
(hh) City of Encinitas, 2022d.
(ii) City of Encinitas, 2022e.
(jj) City of Encinitas, 2022f.
(kk) City of Encinitas, 2022g.
(ll) City of Encinitas, 2022h.
(mm) City of Encinitas, 2022i.
(nn) City of Encinitas, 2022j.
(oo) City of Encinitas, 2022k.
(pp) City of Encinitas, 2022l.
(qq) City of Encinitas, 2022m.
(rr) City of Encinitas, 2021u.
(ss) City of Encinitas, 2022n.

TABLE 2-7. POTENTIAL CUMULATIVE PROJECTS – 6TH CYCLE HOUSING ELEMENT UPDATE PROJECTIONS (1)

HEU Site No.	HEU Site Name	Gross Acreage	Net Acreage	Unit Yield (2)
06a	Armstrong Parcels	1.92	1.06	31
AD9	Seacoast Church	4.45	1.41	42
AD11	Manchester Avenue West Sites	1.67	1.67	50
AD14	Harrison Sites	1.91	1.91	25

Notes: (1) Includes those HEU sites that are Inactive at the time of publication of the Notice of Preparation, that is, for which a development application has not been submitted.
(2) Denotes the number of DUs proposed within the City of Encinitas Housing Element Update 2021-2029.

Source: City of Encinitas Housing Element Update 2021-2029.

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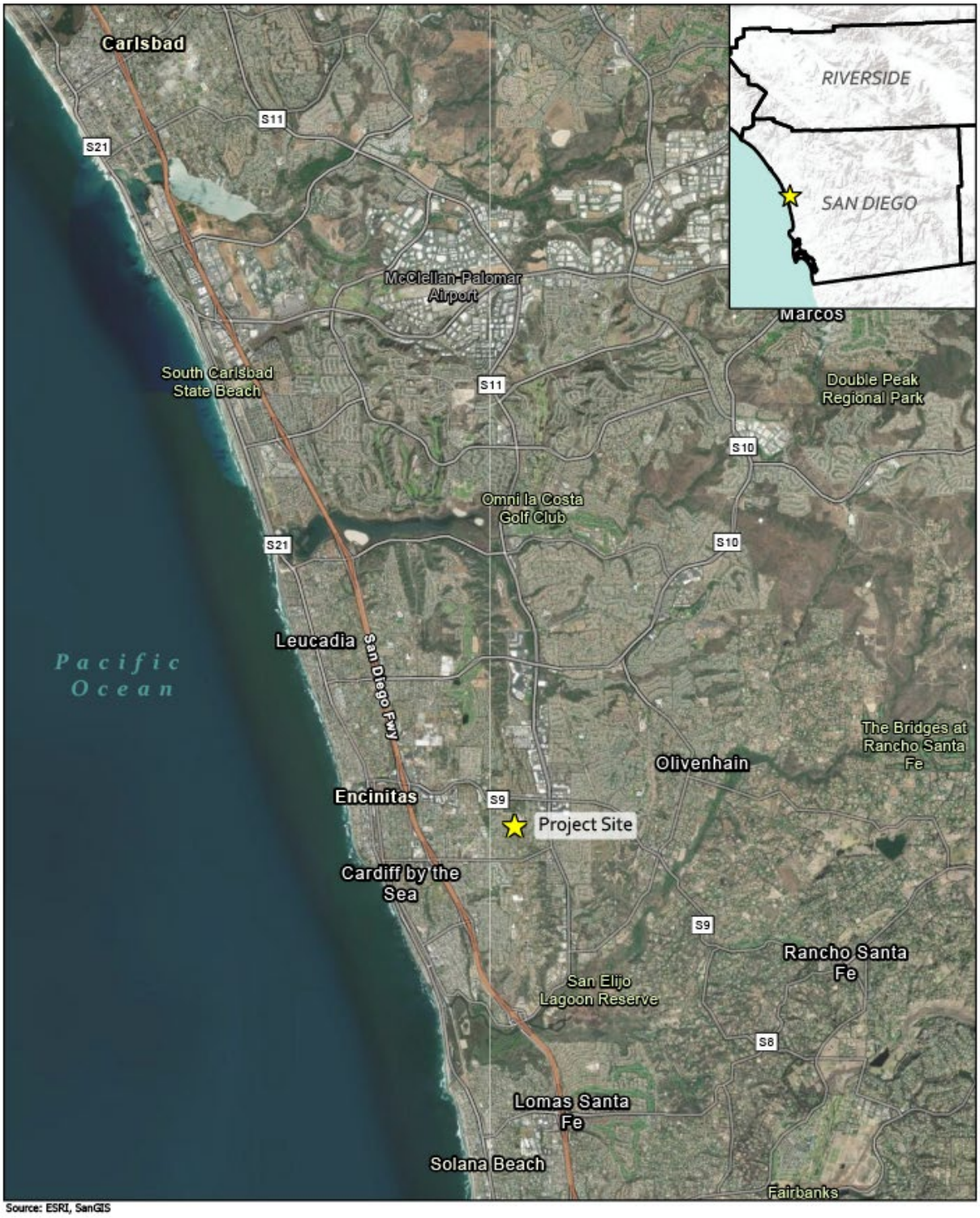

Regional Location
Torrey Crest Residential Subdivision
Figure 2-1

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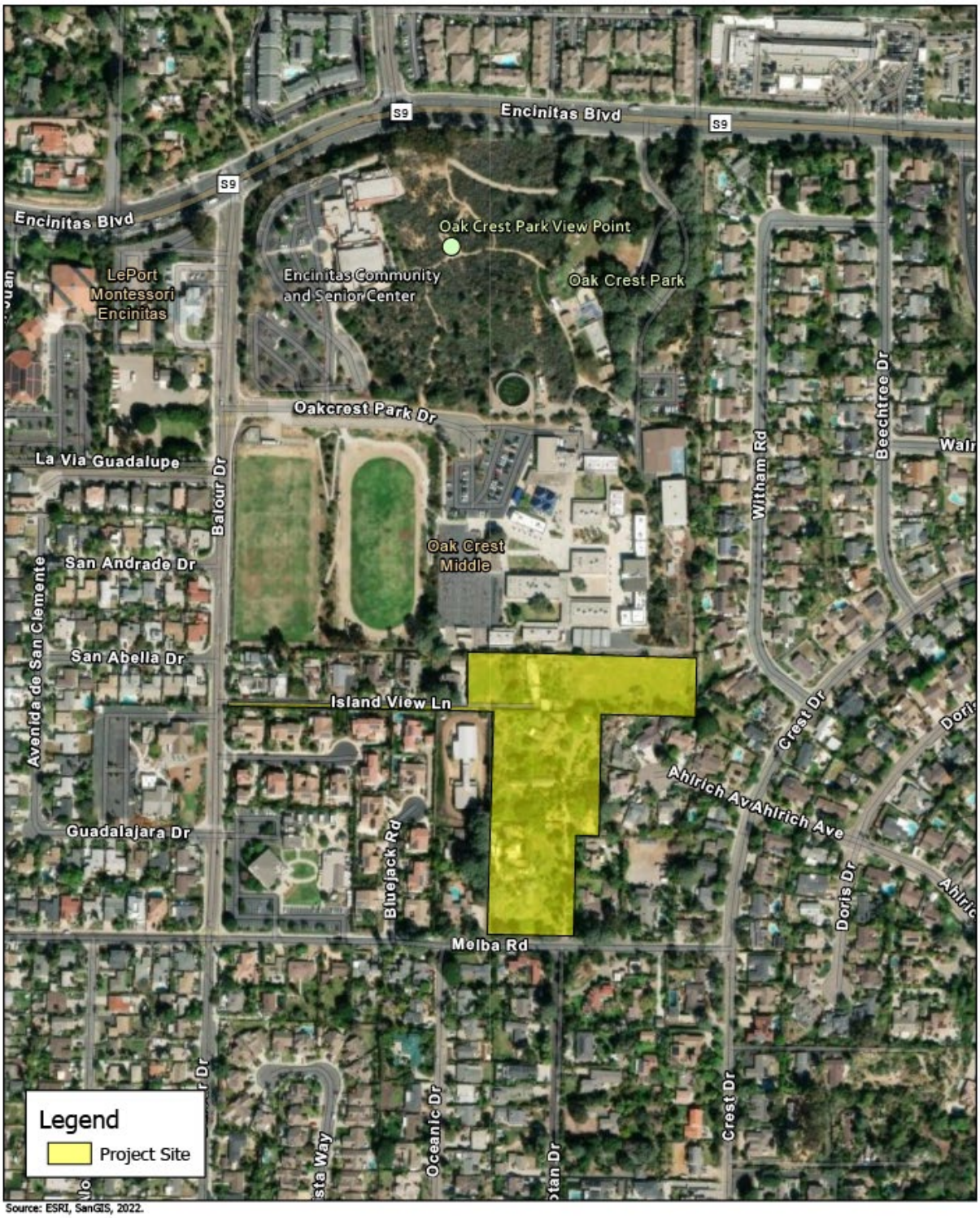

Project Location
Torrey Crest Residential Subdivision
Figure 2-2

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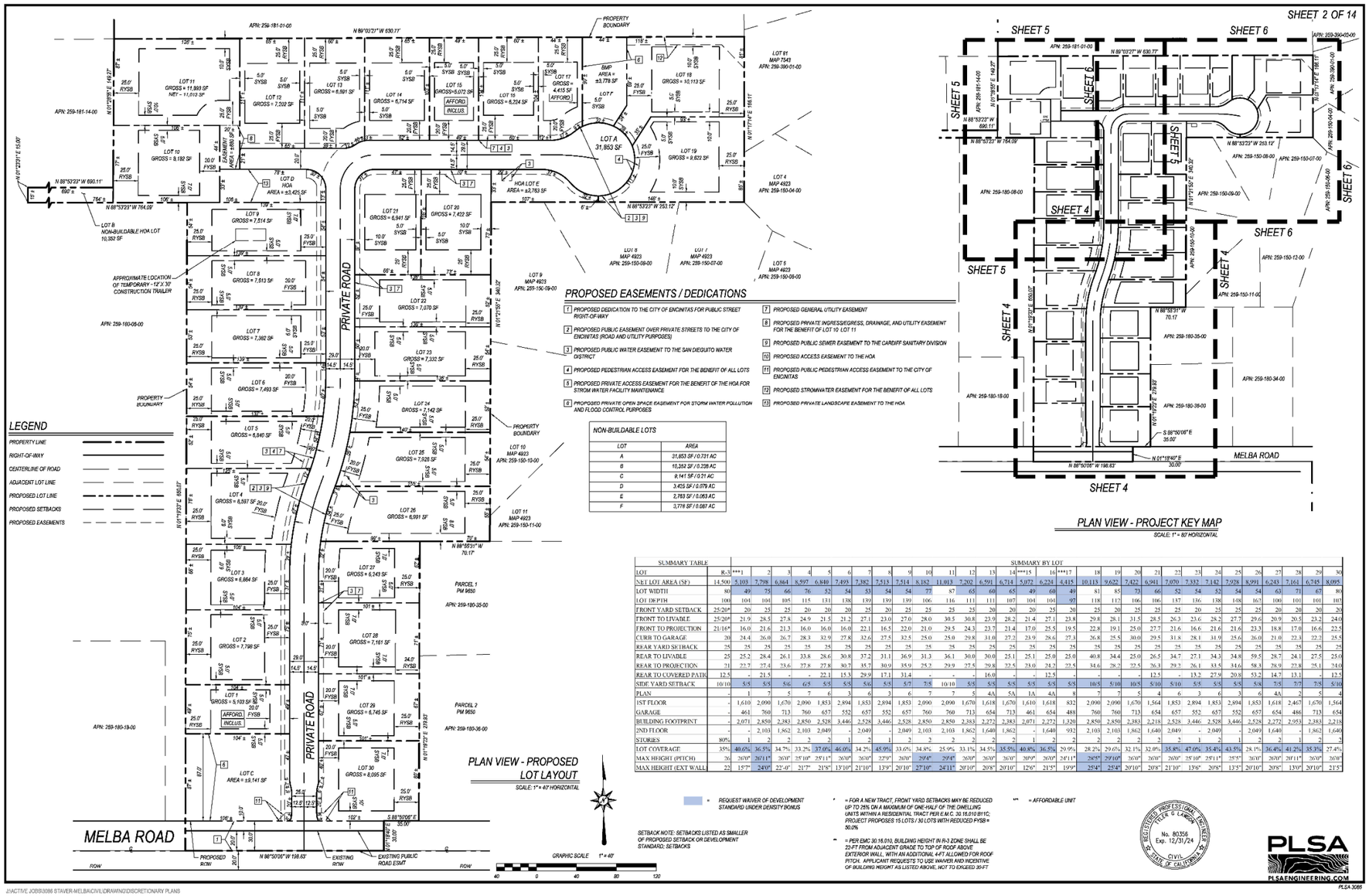

SUMMARY TABLE		SUMMARY BY LOT																												
LOT	R-3 ***1	1	2	3	4	5	6	7	8	9	10	11	12	13	14 ***15	16 ***17	18	19	20	21	22	23	24	25	26	27	28	29	30
NET LOT AREA (SF)	14,500	5,103	7,798	6,864	8,597	6,840	7,493	7,382	7,513	7,514	8,182	11,013	7,202	6,591	6,714	5,072	6,224	4,415	10,113	9,622	7,422	6,941	7,070	7,332	7,142	7,928	8,991	6,243	7,161	6,745	8,095
LOT WIDTH	80	49	75	66	76	52	54	53	54	54	77	87	65	60	65	49	60	49	81	85	73	66	52	54	52	54	54	63	71	67	80
LOT DEPTH	100	104	101	105	115	131	138	139	139	139	106	116	111	111	107	104	104	97	118	117	106	106	137	136	138	148	165	100	101	101	102
FRONT YARD SETBACK	25/20*	20	25	25	20	20	20	25	20	25	25	25	25	20	20	20	25	20	25	20	25	25	25	25	20	25	25	20	20	20	20
FRONT TO LIVABLE	25/20*	21.9	28.5	27.8	24.9	21.5	21.2	27.1	23.0	27.0	28.0	30.5	30.8	23.9	28.2	21.4	27.1	23.8	29.8	28.1	31.5	28.5	26.3	23.6	28.2	27.7	29.6	20.9	20.5	23.2	24.0
FRONT TO PROJECTION	21/16*	16.0	21.6	21.3	16.0	16.0	16.0	22.1	16.5	32.0	21.0	29.5	24.3	23.7	21.4	17.0	25.5	19.5	22.8	19.1	25.0	27.7	21.6	16.6	21.6	21.6	23.3	18.8	17.0	16.6	22.5
CURB TO GARAGE	20	24.4	26.0	26.7	28.3	32.9	27.8	32.6	27.5	32.5	25.0	25.0	29.8	31.6	27.2	23.9	28.6	27.1	26.8	25.5	30.0	29.5	31.8	28.1	31.9	25.6	26.0	21.0	22.3	22.2	25.5
REAR YARD SETBACK	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
REAR TO LIVABLE	25	25.2	28.4	26.1	33.8	28.6	30.8	37.2	31.1	36.9	31.3	36.1	30.0	30.0	25.1	25.1	25.0	25.0	40.8	34.4	25.0	26.5	34.7	27.1	34.3	34.8	59.5	28.7	24.1	27.5	25.0
REAR TO PROJECTION	21	22.7	27.4	23.6	27.8	27.8	30.7	35.7	30.9	35.9	25.2	29.9	27.5	29.8	22.5	23.0	24.2	22.5	34.6	28.2	22.5	26.3	29.2	26.1	33.5	34.6	58.3	28.9	23.8	25.1	24.0
REAR TO COVERED PATIO	12.5	-	21.5	-	-	22.1	15.3	29.9	17.1	31.4	-	-	-	16.0	-	-	12.5	-	-	-	-	12.5	-	13.2	27.9	20.8	53.2	14.7	13.1	-	12.5
SIDE YARD SETBACK	10/10	5/5	5/5	5/6	6/5	5/5	5/5	5/6	5/5	5/7	7/5	10/10	5/5	5/5	5/5	5/5	5/5	5/5	10/5	5/10	10/5	5/10	5/10	5/5	5/5	5/5	5/8	7/5	7/7	7/5	5/10
PLAN	-	1	7	5	7	6	3	6	3	6	7	7	5	4A	5A	1A	4A	8	7	7	5	4	6	3	6	3	6	4A	2	5	4
1ST FLOOR	-	1,610	2,090	1,670	2,090	1,853	2,094	1,853	2,094	1,853	2,090	2,090	1,670	1,618	1,670	1,610	1,618	832	2,090	2,090	1,670	1,564	1,853	2,894	1,853	2,894	1,853	1,618	2,467	1,670	1,564
GARAGE	-	461	760	713	760	657	552	657	552	657	760	760	713	654	713	461	654	488	760	760	713	654	657	552	657	552	657	654	486	713	654
BUILDING FOOTPRINT	-	2,071	2,850	2,383	2,850	2,528	3,446	2,528	3,446	2,528	2,850	2,850	2,383	2,272	2,383	2,071	2,272	1,320	2,850	2,850	2,383	2,218	2,528	3,446	2,528	3,446	2,528	2,272	2,953	2,383	2,218
2ND FLOOR	-	-	2,103	1,862	2,103	2,049	-	2,049	-	2,049	2,103	2,103	1,862	1,640	1,862	-	1,640	932	2,103	2,103	1,862	1,640	2,049	-	2,049	-	2,049	1,640	-	1,862	1,640
STORIES	80%	1	2	2	2	2	1	2	1	2	2	2	2	2	2	1	2	2	2	2	2	2	1	2	1	2	1	2	2	1	2
LOT COVERAGE	35%	40.6%	36.5%	34.7%	33.2%	37.0%	46.0%	34.2%	45.9%	33.6%	34.8%	25.9%	33.1%	34.5%	35.5%	40.8%	36.5%	29.9%	28.2%	29.6%	32.1%	32.0%	35.8%	47.0%	35.4%	43.5%	28.1%	36.4%	41.2%	35.3%	27.4%
MAX HEIGHT (PITCH)	26	26'0"	26'11"	26'0"	25'10"	25'11"	26'0"	26'0"	27'9"	26'0"	29'4"	29'4"	26'0"	26'0"	26'0"	26'9"	26'0"	25'11"	26'5"	29'10"	26'0"	26'0"	26'0"	25'10"	25'11"	25'5"	26'0"	26'0"	26'11"	26'0"	26'0"
MAX HEIGHT (EXT WALL)	22	15'7"	24'0"	22'-0"	21'7"	21'8"	13'10"	21'10"	13'9"	20'10"	27'10"	24'11"	20'10"	20'8"	20'10"	12'6"	21'5"	19'9"	25'4"	25'4"	20'10"	20'8"	21'10"	13'6"	20'8"	13'5"	20'10"	20'8"	13'0"	20'10"	21'5"

= REQUEST WAIVER OF DEVELOPMENT STANDARD UNDER DENSITY BONUS

SETBACK NOTE: SETBACKS LISTED AS SMALLER OF PROPOSED SETBACK OR DEVELOPMENT STANDARD; SETBACKS

* = FOR A NEW TRACT, FRONT YARD SETBACKS MAY BE REDUCED UP TO 25% ON A MAXIMUM OF ONE-HALF OF THE DWELLING UNITS WITHIN A RESIDENTIAL TRACT PER E.M.C. 30.16.010.B11C; PROJECT PROPOSES 15 LOTS / 30 LOTS WITH REDUCED FYSB = 50.0%

** = PER EMC 30.16.010, BUILDING HEIGHT IN R-3 ZONE SHALL BE 22-FT FROM ADJACENT GRADE TO TOP OF ROOF ABOVE EXTERIOR WALL, WITH AN ADDITIONAL 4-FT ALLOWED FOR ROOF PITCH. APPLICANT REQUESTS TO USE WAIVER AND INCENTIVE OF BUILDING HEIGHT AS LISTED ABOVE, NOT TO EXCEED 30-FT

*** = AFFORDABLE UNIT

REGISTERED PROFESSIONAL ENGINEER TYLER G. LAMSON No. 80306 Exp. 12/31/24 CIVIL STATE OF CALIFORNIA

SOURCE: Pasco, Laret, Suiter & Associates, February 2024.

Proposed Lot Layout
Torrey Crest Residential Subdivision
Figure 2-3

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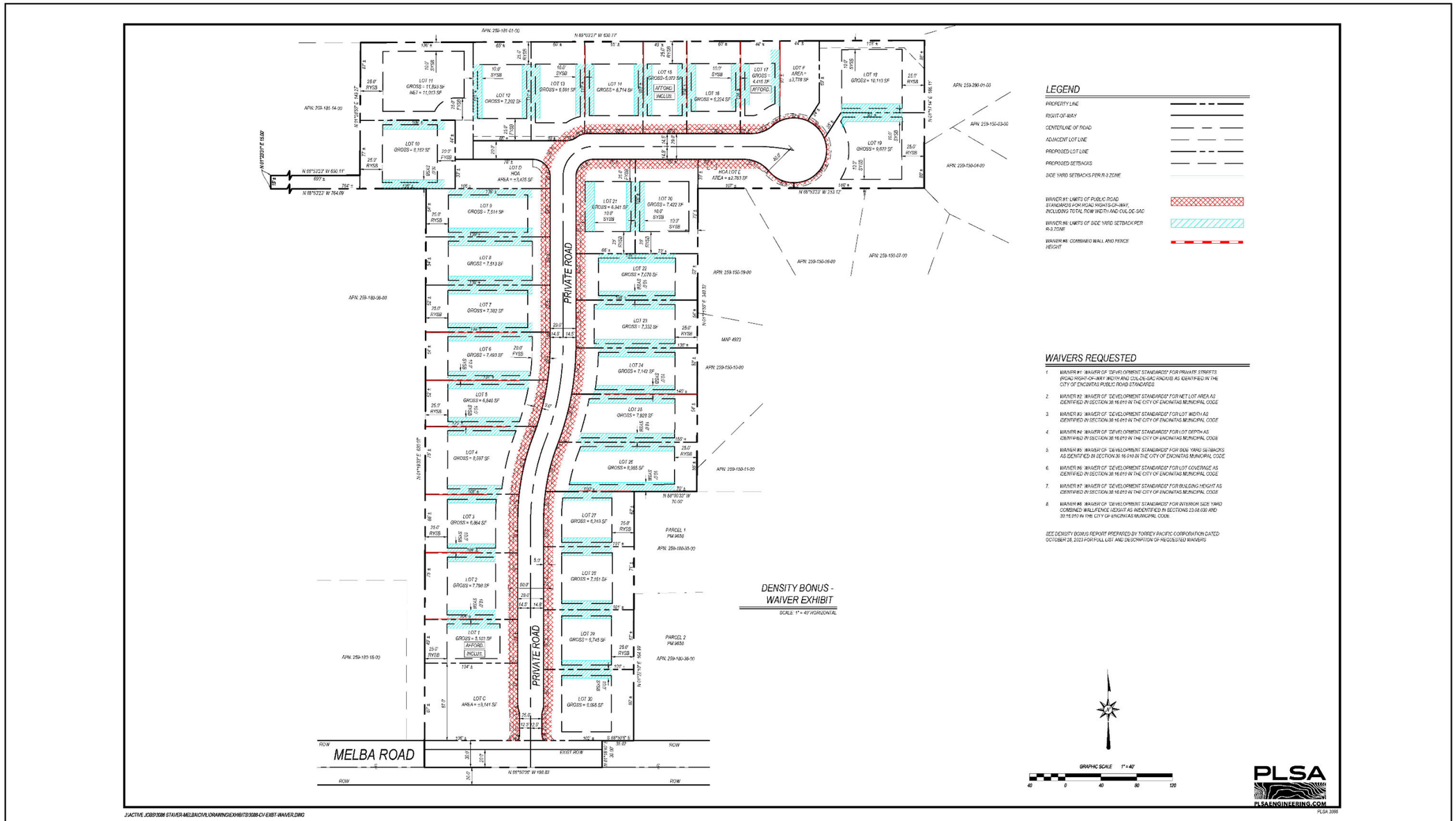
Fig



SOURCE: Pasco, Laret, Suiter & Associates, February 2024.

Waiver Exhibit
Torrey Crest Residential Subdivision
Figure 2-4

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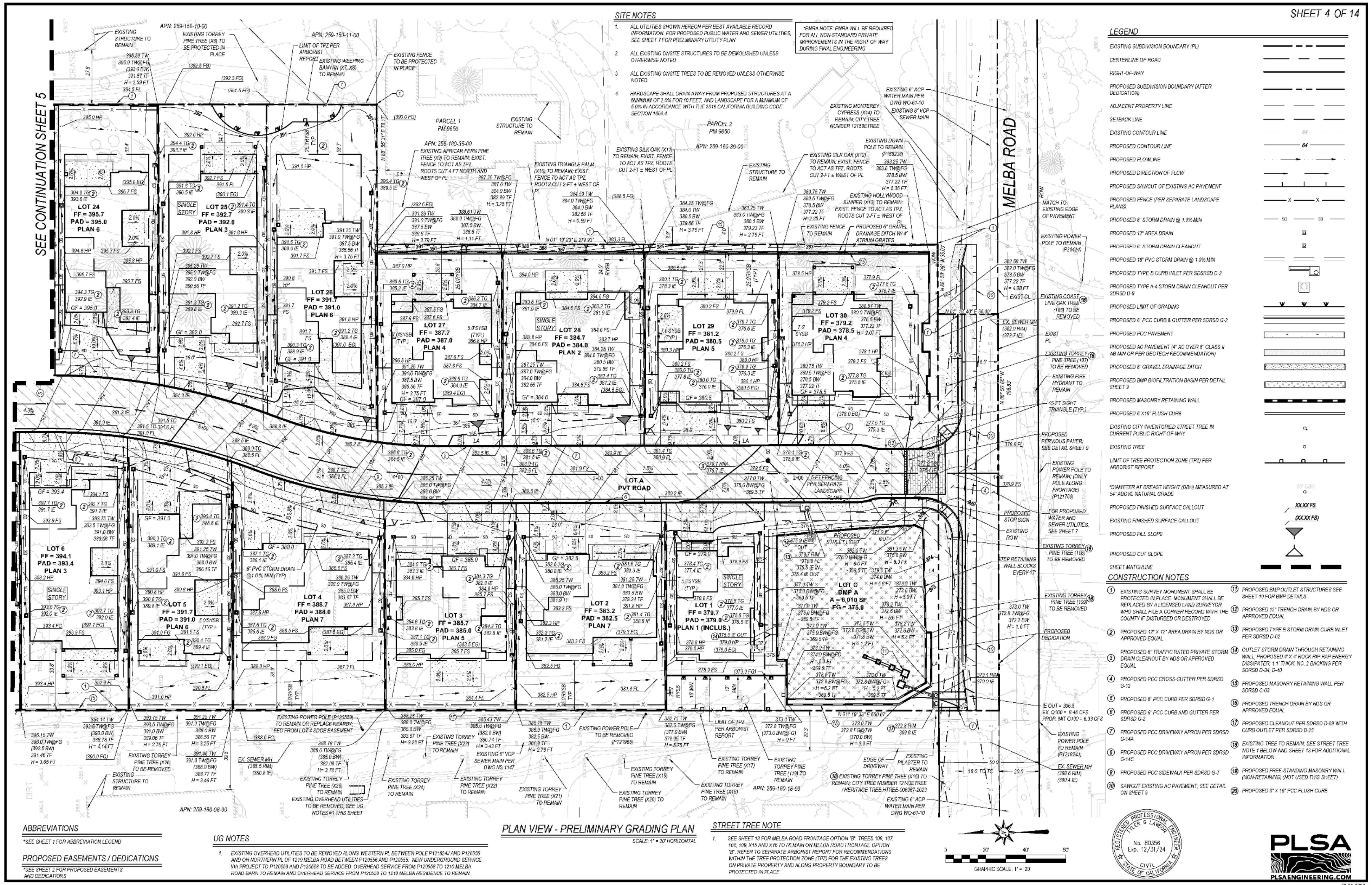

SOURCE: Pasco, Laret, Suiter & Associates, February 2024

Preliminary Grading Plan (Sheet 4)

Torrey Crest Residential Subdivision

Figure 2-5a

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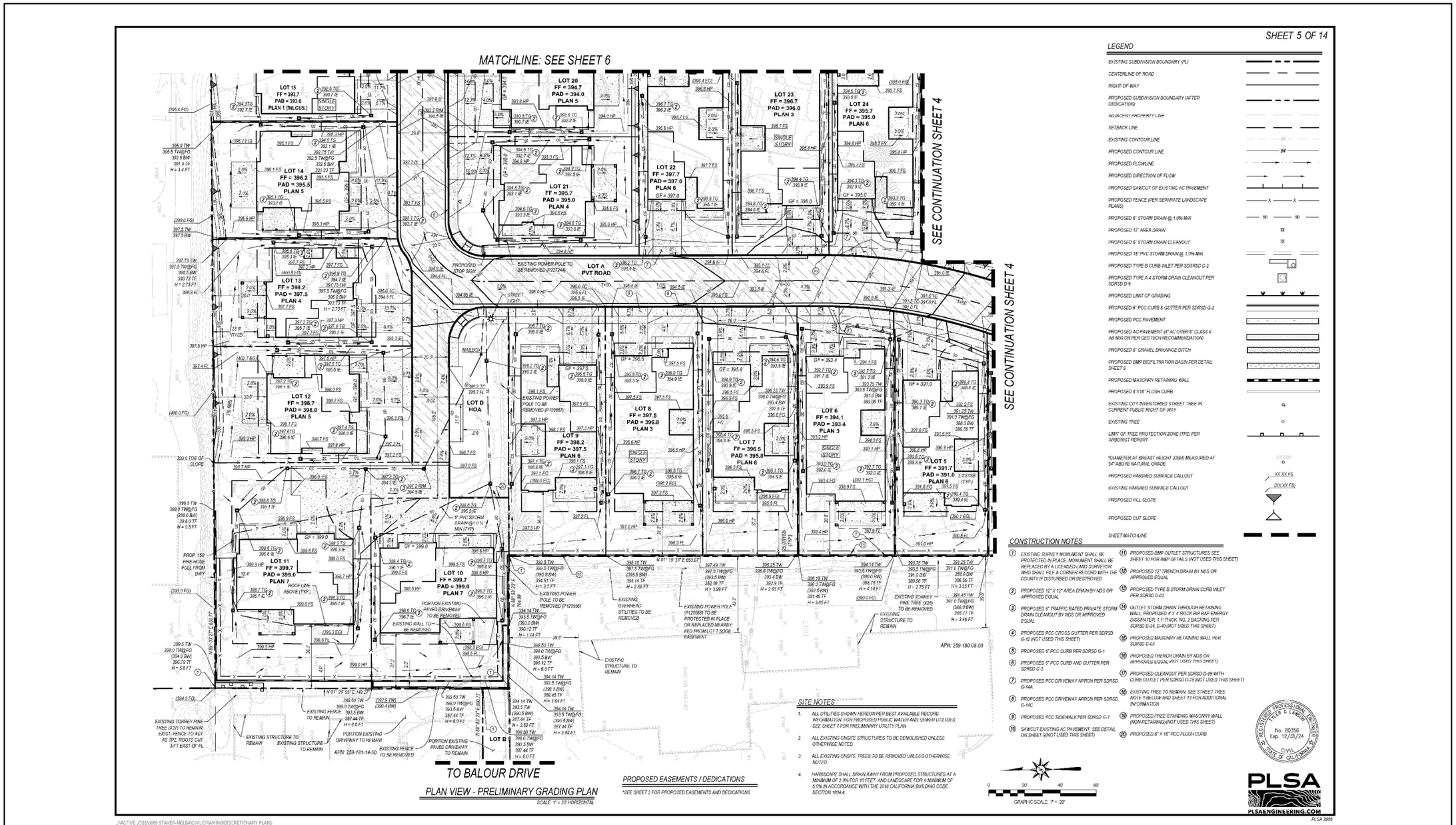

SOURCE: Pasco, Laret, Suiter & Associates, February 2024

Preliminary Grading Plan (Sheet 5)
Torrey Crest Residential Subdivision
Figure 2-5b

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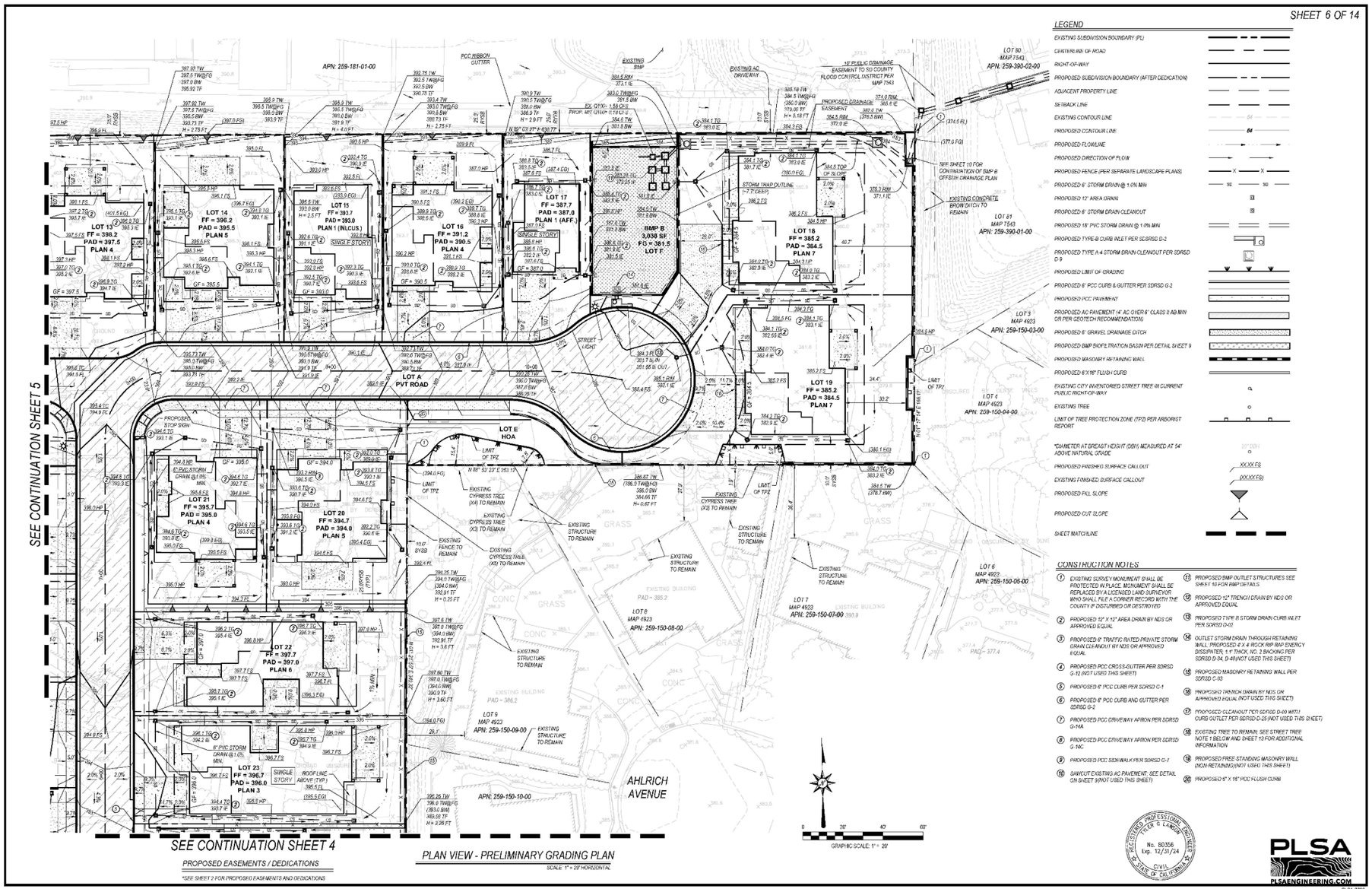
(FIGURE 2-5B)



SOURCE: Pasco, Laret, Suiter & Associates, February 2024

Preliminary Grading Plan (Sheet 6)
Torrey Crest Residential Subdivision
Figure 2-5c

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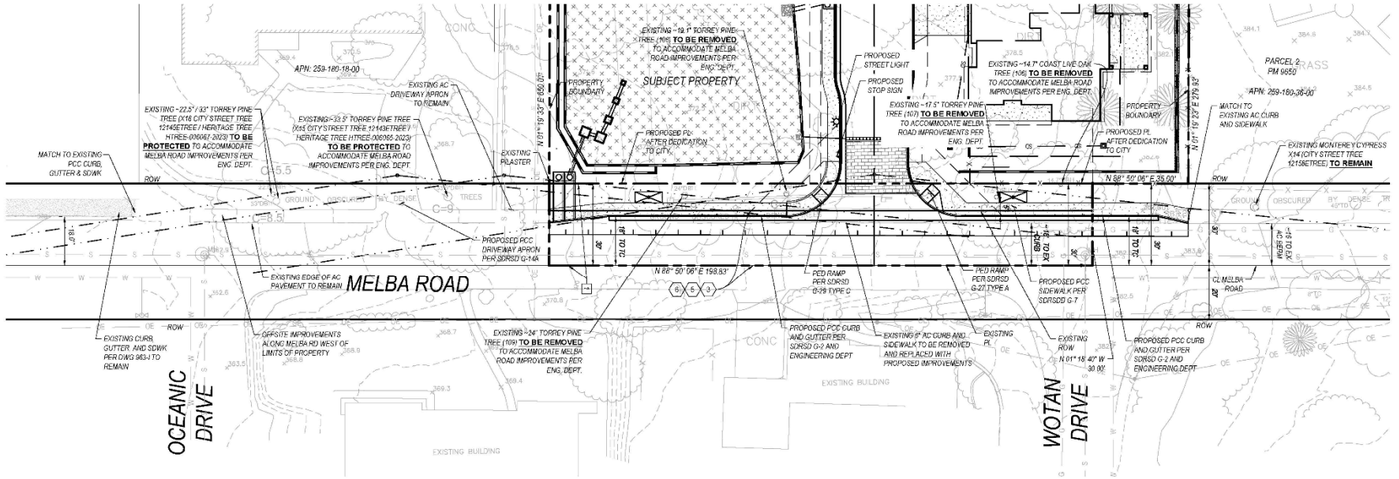
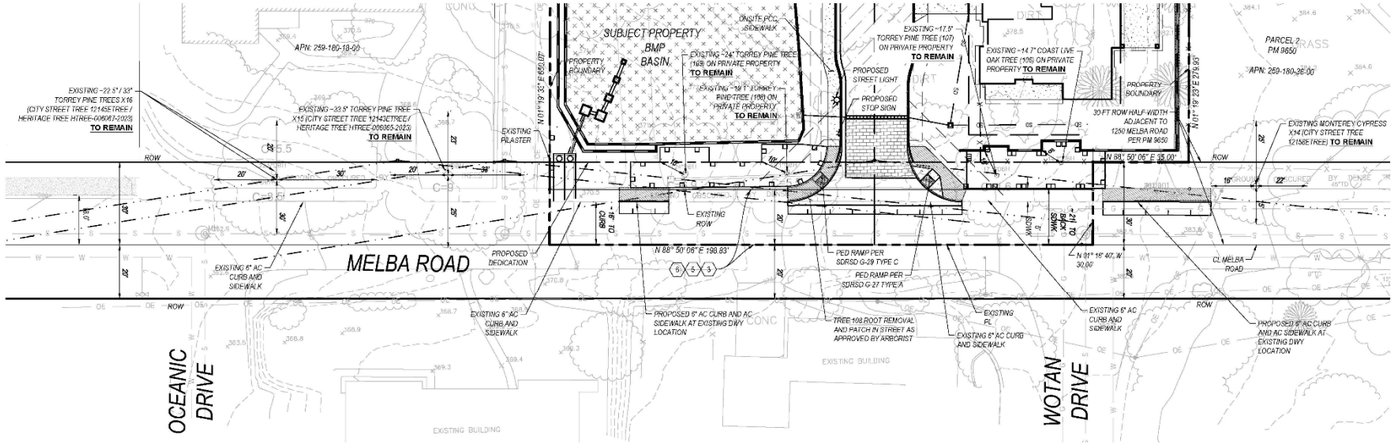
SHEET 13 OF 14



PLAN VIEW - OPTION A (PROJECT PROPOSAL): MELBA ROAD ULTIMATE IMPROVEMENTS PER CITY COUNCIL APPROVED PUBLIC ROAD STANDARDS

SCALE: 1" = 20' HORIZONTAL



PLAN VIEW - OPTION B (ALTERNATIVE): EXISTING IMPROVEMENTS MELBA ROAD

SCALE: 1" = 20' HORIZONTAL

LEGEND

- EXISTING SUBDIVISION BOUNDARY (PL)
- CENTERLINE OF ROAD
- RIGHT-OF-WAY (ROW)
- PROPOSED SUBDIVISION BOUNDARY (AFTER DEDICATION)
- ADJACENT PROPERTY LINE
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- PROPOSED SAWCUT OF EXISTING AC PAVEMENT
- PROPOSED 6" PCC CURB & GUTTER PER SDRSD G-2
- PROPOSED PCC PAVEMENT / SIDEWALK
- PROPOSED AC PAVEMENT / SIDEWALK
- PROPOSED MASONRY RETAINING WALL
- PROPOSED 6"X16" FLUSH CURB
- LIMIT OF TREE PROTECTION ZONE (TPZ) PER ARBORIST REPORT
- *DIAMETER AT BREAST HEIGHT (DBH) MEASURED AT 54" ABOVE NATURAL GRADE

PROPOSED EASEMENTS / DEDICATIONS

(7) PROPOSED DEDICATION TO THE CITY OF ENCINITAS

EXISTING EASEMENT INFORMATION

(3) THE RIGHT TO EXTEND AND MAINTAIN DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS GRANTED ON OCTOBER 29, 1953 IN BOOK 5030, PAGE 190 OF OFFICIAL RECORDS IN FAVOR OF THE COUNTY OF SAN DIEGO.

(5) AN EASEMENT FOR ROAD PURPOSES AND INCIDENTAL PURPOSES, RECORDED AUGUST 11, 1938 IN BOOK 696, PAGE 216 OF OFFICIAL RECORDS IN FAVOR OF ANTON VAN AMERSFOOT.

(6) AN EASEMENT FOR PUBLIC HIGHWAY AND INCIDENTAL PURPOSES, RECORDED OCTOBER 29, 1953 AS INSTRUMENT NO. 146903 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF SAN DIEGO.

NOTES

1. CITY STREET TREES AND PRIVATE TREES ALONG MELBA ROAD PROPERTY FRONTAGE TO BE REMOVED UNLESS OTHERWISE NOTED. REFER TO SEPARATE ARBORIST REPORT FOR REMOVAL AND TREE PROTECTION ZONE (TPZ) RECOMMENDATIONS.
2. REFER TO SEPARATE ARBORIST REPORT FOR RECOMMENDATIONS WITHIN THE TREE PROTECTION ZONE (TPZ) FOR THE EXISTING TREES ON PRIVATE PROPERTY AND ALONG PROPERTY BOUNDARY TO BE PROTECTED IN PLACE
3. DBH AS IT RELATES TO THE EXISTING TREES SURVEYED REFERS TO DIAMETER AT BREAST HEIGHT MEASURED AT 54" ABOVE THE NATURAL GRADE

GRAPHIC SCALE 1" = 20'

20 0 20 40 60

REGISTERED PROFESSIONAL ENGINEER PETER G. LAMON No. 80356 Exp. 12/31/24 CIVIL STATE OF CALIFORNIA

PLSA
PLSAENGINEERING.COM

PLSA 3086

J:\ACTIVE JOBS\3086 STAVER-MELBA\CIVIL\DRAWINGS\DISCRETIONARY PLANS

SOURCE: Pasco, Laret, Suiter & Associates, February 2024.

Melba Road Improvements (Proposed and Alternative)

Torrey Crest Residential Subdivision
Figure 2-6

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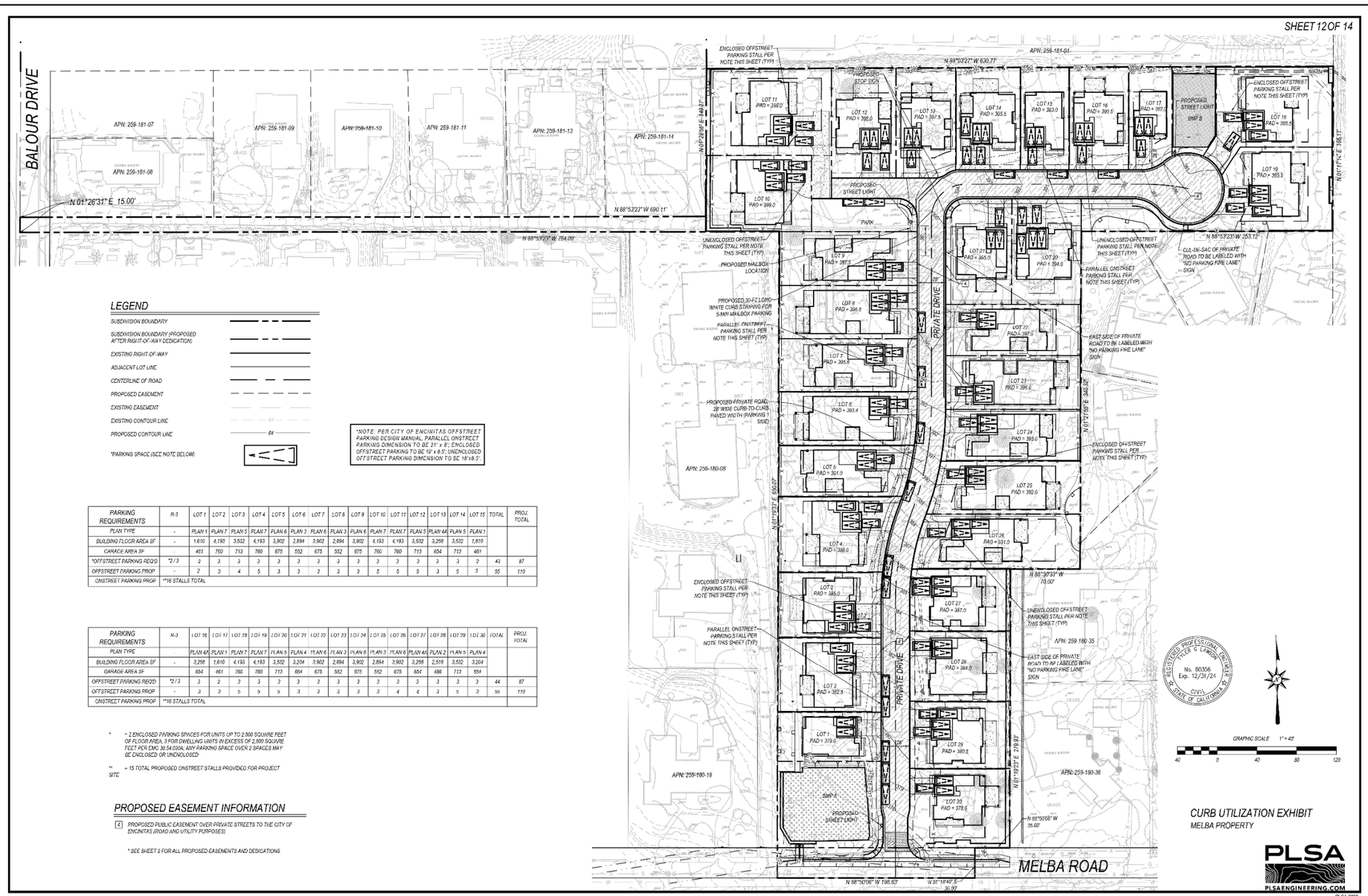

SOURCE: Pasco, Laret, Suiter & Associates, February.

Curb Utilization Exhibit
Torrey Crest Residential Subdivision
Figure 2-7

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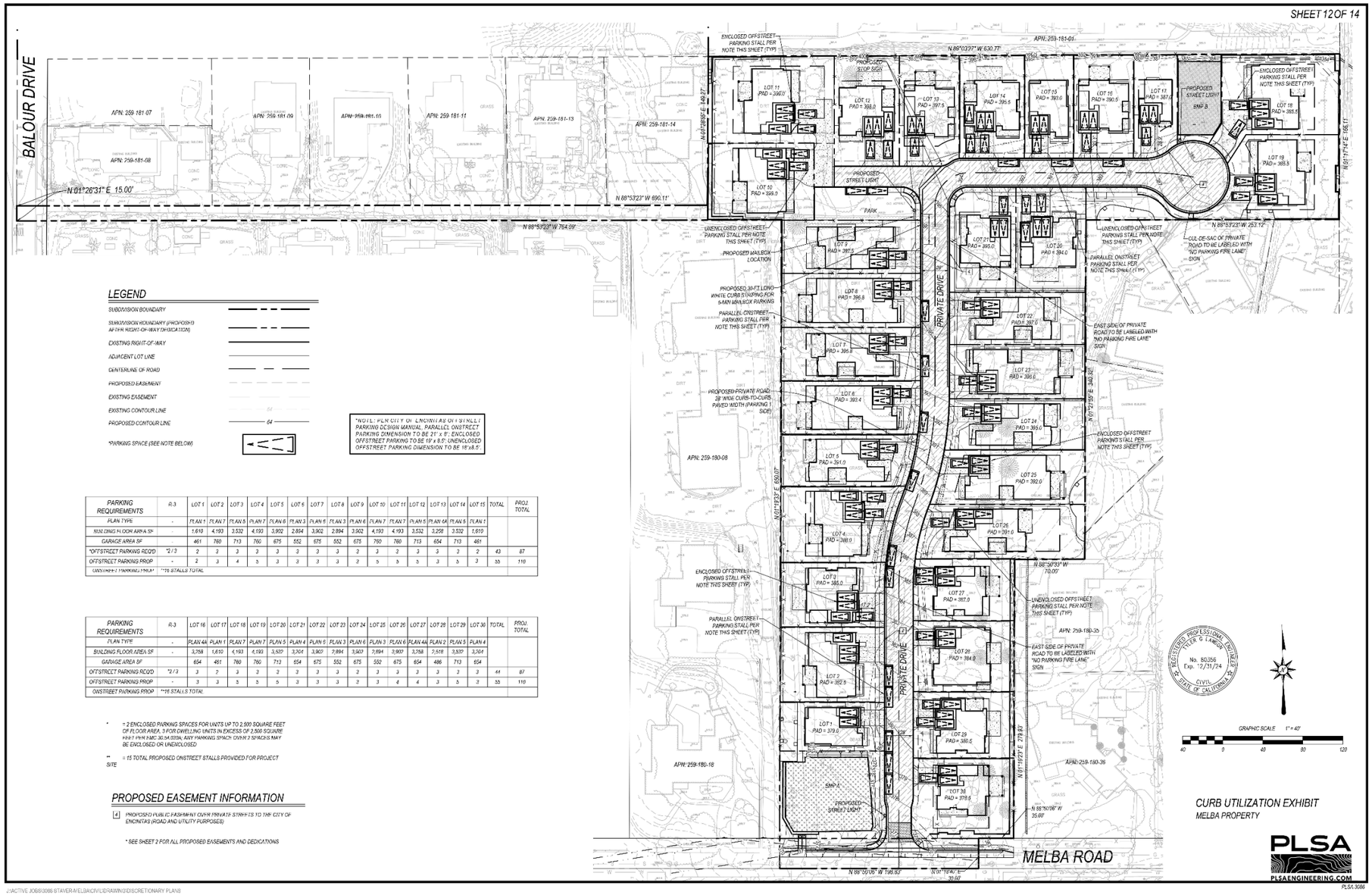

LEGEND

- SUBDIVISION BOUNDARY
- SUBDIVISION BOUNDARY (PROPOSED) AFTER RIGHT-OF-WAY DEDICATION)
- EXISTING RIGHT-OF-WAY
- ADJACENT LOT LINE
- CENTERLINE OF ROAD
- PROPOSED EASEMENT
- EXISTING EASEMENT
- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE — 64
- *PARKING SPACE (SEE NOTE BELOW)

"NOTE: PER CITY OF ENCINITAS STREET PARKING DESIGN MANUAL, PARALLEL ONSTREET PARKING DIMENSION TO BE 21' x 8'. ENCLOSED OFFSTREET PARKING TO BE 19' x 8.5'. UNENCLOSED OFFSTREET PARKING DIMENSION TO BE 18' x 8.5'.

PARKING REQUIREMENTS	R-3	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	LOT 12	LOT 13	LOT 14	LOT 15	TOTAL	PROJ. TOTAL
PLAN TYPE	-	PLAN 1	PLAN 7	PLAN 5	PLAN 7	PLAN 6	PLAN 3	PLAN 5	PLAN 3	PLAN 6	PLAN 7	PLAN 7	PLAN 5	PLAN 6A	PLAN 5	PLAN 1		
BUILDING FLOOR AREA SF	-	1,610	4,193	3,532	4,193	3,902	2,894	3,902	2,894	3,902	4,193	4,193	3,532	3,258	3,532	1,610		
GARAGE AREA SF	-	461	760	713	760	675	552	675	552	675	760	760	713	654	713	461		
*OFFSTREET PARKING REQ'D	*2 / 3	2	3	3	3	3	3	3	3	3	3	3	3	3	3	2	43	87
OFFSTREET PARKING PROP	-	2	3	4	5	3	3	3	3	3	5	5	5	3	5	3	55	110
ONSTREET PARKING PROP	**15 STALLS TOTAL																	

PARKING REQUIREMENTS	R-3	LOT 16	LOT 17	LOT 18	LOT 19	LOT 20	LOT 21	LOT 22	LOT 23	LOT 24	LOT 25	LOT 26	LOT 27	LOT 28	LOT 29	LOT 30	TOTAL	PROJ. TOTAL
PLAN TYPE	-	PLAN 4A	PLAN 1	PLAN 7	PLAN 7	PLAN 5	PLAN 4	PLAN 5	PLAN 3	PLAN 6	PLAN 3	PLAN 6	PLAN 4A	PLAN 2	PLAN 5	PLAN 4		
BUILDING FLOOR AREA SF	-	3,758	1,610	4,193	4,193	3,537	3,304	3,902	2,894	3,902	2,894	3,902	3,758	2,518	3,537	3,304		
GARAGE AREA SF		654	461	760	760	713	654	675	552	675	552	675	654	486	713	654		
OFFSTREET PARKING REQ'D	*2 / 3	3	2	3	3	3	3	3	3	3	3	3	3	3	3	3	44	87
OFFSTREET PARKING PROP	-	3	3	5	5	5	3	3	3	3	3	4	4	3	5	3	55	110
ONSTREET PARKING PROP	**15 STALLS TOTAL																	

* = 2 ENCLOSED PARKING SPACES FOR UNITS UP TO 2,500 SQUARE FEET OF FLOOR AREA, 3 FOR DWELLING UNITS IN EXCESS OF 2,500 SQUARE FEET PER FMC SEC. 30.34.020A. ANY PARKING SPACE GIVEN 2 SPACES MAY BE ENCLOSED OR UNENCLOSED

** = 15 TOTAL PROPOSED ONSTREET STALLS PROVIDED FOR PROJECT SITE

PROPOSED EASEMENT INFORMATION

[4] PROPOSED PUBLIC EASEMENT OVER PRIVATE STREETS TO THE CITY OF ENCINITAS (ROAD AND UTILITY PURPOSES)

* SEE SHEET 2 FOR ALL PROPOSED EASEMENTS AND DEDICATIONS

CURB UTILIZATION EXHIBIT
MELBA PROPERTY

REGISTERED PROFESSIONAL ENGINEER — TYLER G. LAMSON — No. 80356 — Exp. 12/31/24 — CIVIL — STATE OF CALIFORNIA

GRAPHIC SCALE 1" = 40'
40 0 40 80 120

PLSA
PLSAENGINEERING.COM

J:\ACTIVE JOBS\3066 STAVERA\ELBA\CIVIL\DRAWING\DISCRETIONARY PLANS

PLSA 3066

SOURCE: GMP Landscape Architecture, February2024.

Conceptual Landscape Plan
Torrey Crest Residential Subdivision
Figure 2-8

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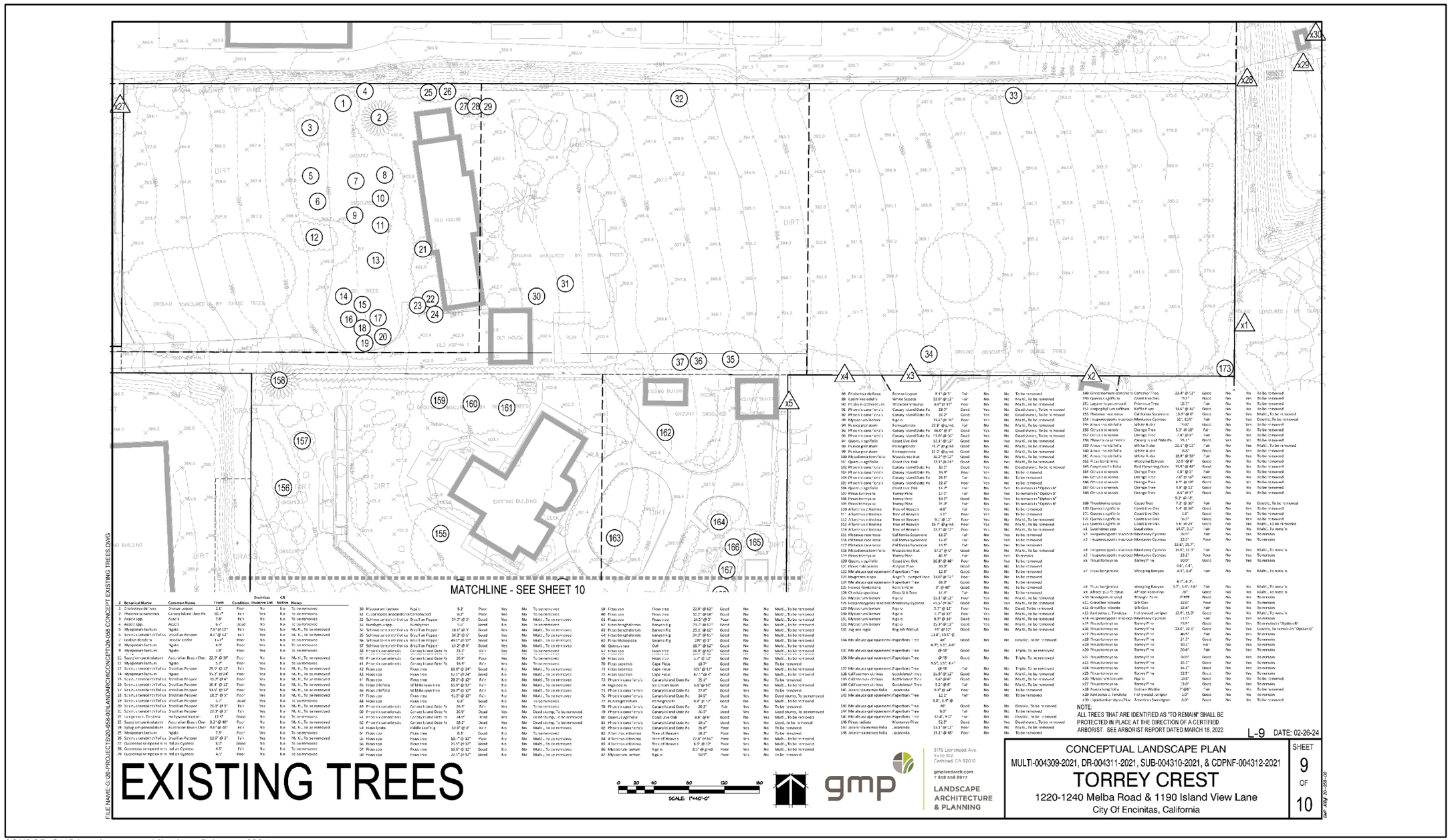

SOURCE: GMP Landscape Architecture, February 2024.

Existing Trees (1 of 2)
Torrey Crest Residential Subdivision
Figure 2-9a

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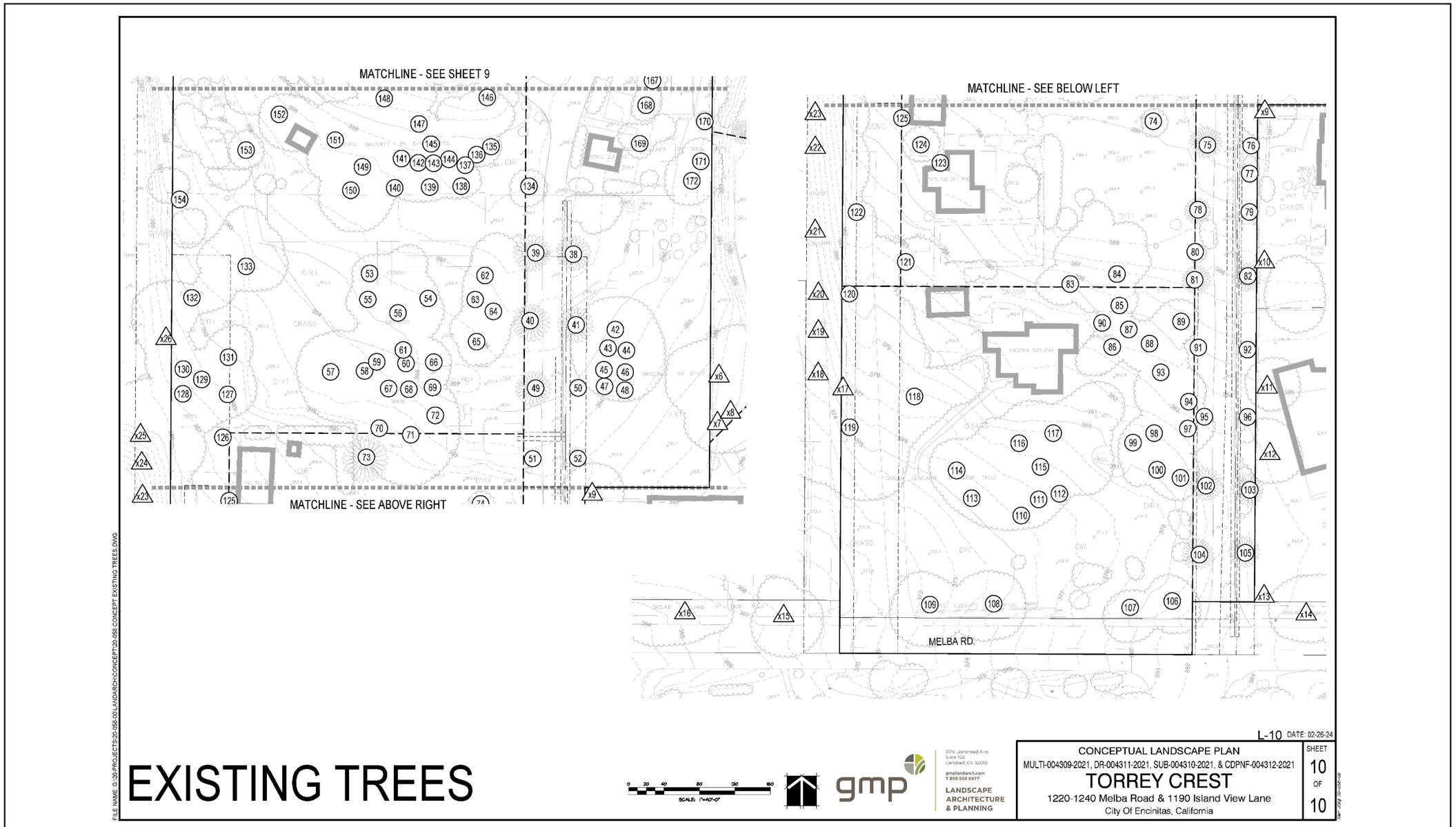

SOURCE: GMP Landscape Architecture, February 2024.

Existing Trees (2 of 2)
Torrey Crest Residential Subdivision
Figure 2-9b

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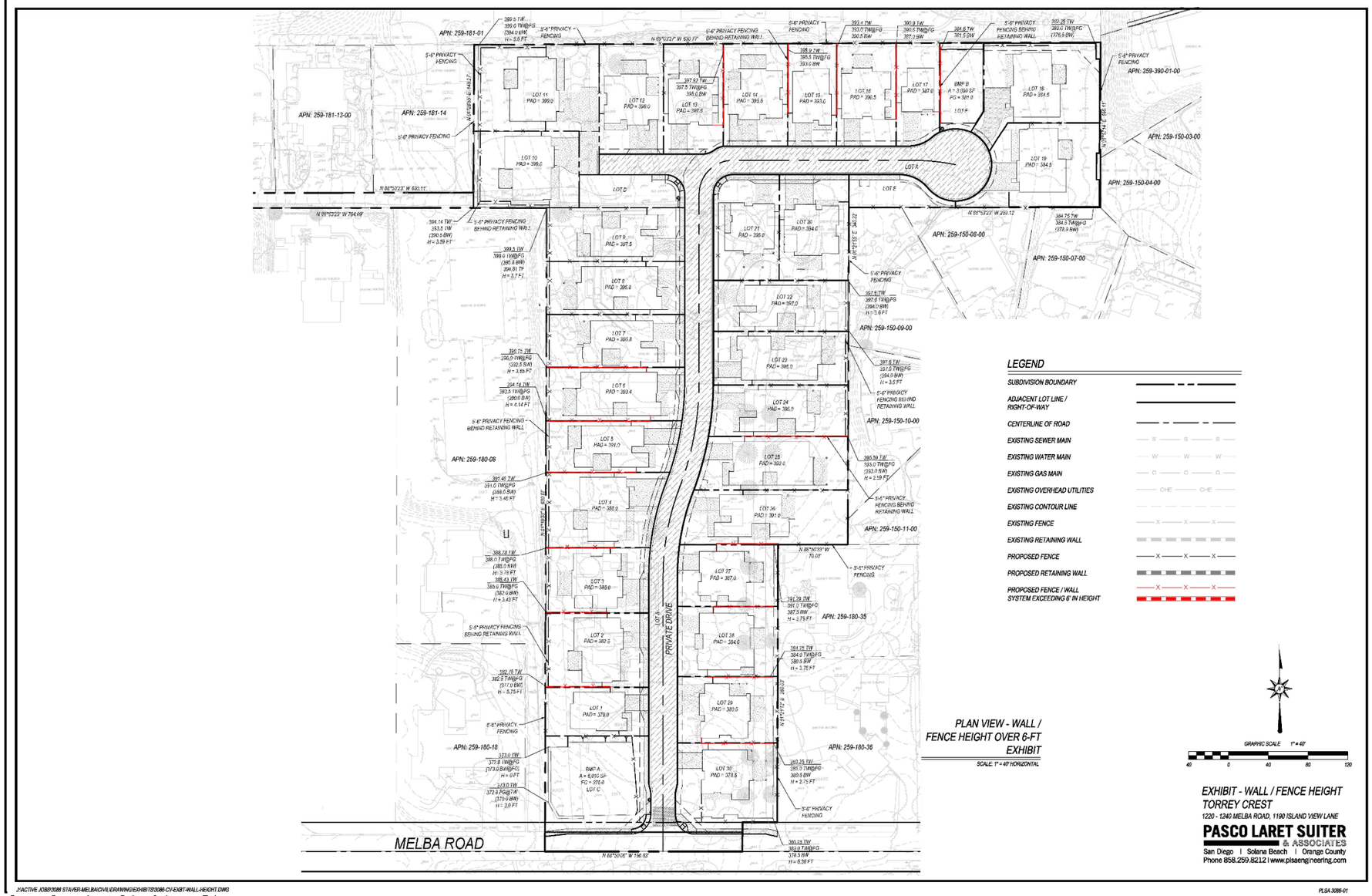

Source: Pasco, Laret, Suiter & Assoc., Febr

Proposed Fencing and Wall Exhibit

Torrey Crest Residential Subdivision
Figure 2-10

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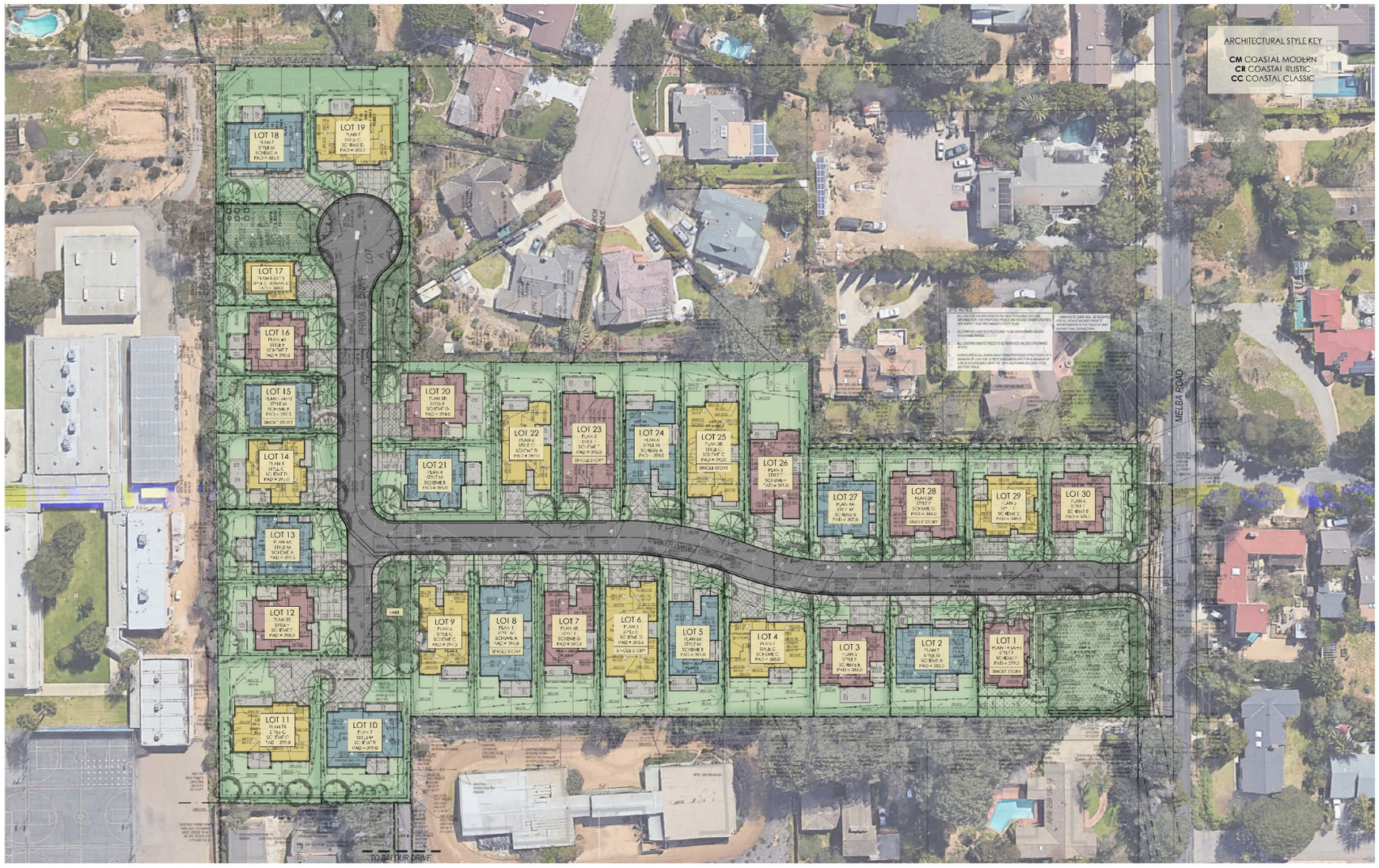

SOURCE: JZMK Partners, February 2024.

Architectural Site Plan
Torrey Crest Residential Subdivision
Figure 2-11

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MELBA ROAD STREET SCENE: LOT 1, LOT 30

EAST STREET SCENE: LOTS 1-9

EAST STREET SCENE: LOTS 1-9 continued

STREET SCENES

February 26, 2024 A72

TORREY PACIFIC CORPORATION

TORREY CREST
ENCINITAS, CALIFORNIA

SCALE: 1" = 10'

JZMK PARTNERS

Source: JZMK Partners, February 2024.

Street Scenes (1 of 3)

Torrey Crest Residential Subdivision
Figure 2-12a

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EAST STREET SCENE: LOTS 10-11

SOUTH STREET SCENE: LOTS 12-17

CUL-DE-SAC STREET SCENE: LOTS 18-19

NORTH STREET SCENE: LOTS 20-21

February 26, 2024 A73

TORREY PACIFIC CORPORATION

TORREY CREST
ENCINITAS, CALIFORNIA

SCALE: 1" = 10'

JZMK PARTNERS

Source: JZMK Partners, Febru

Street Scenes (2 of 3)

Torrey Crest Residential Subdivision
Figure 2-12b

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WEST STREET SCENE: LOTS 21-30

WEST STREET SCENE: LOTS 21-30 continued

STREET SCENES

February 26, 2024 A74

TORREY PACIFIC CORPORATION

TORREY CREST
ENCINITAS, CALIFORNIA

SCALE: 1" = 10'

JZMK PARTNERS

Source: JZMK Partners, February 2024.

Street Scenes (3 of 3)

Torrey Crest Residential Subdivision
Figure 2-12c

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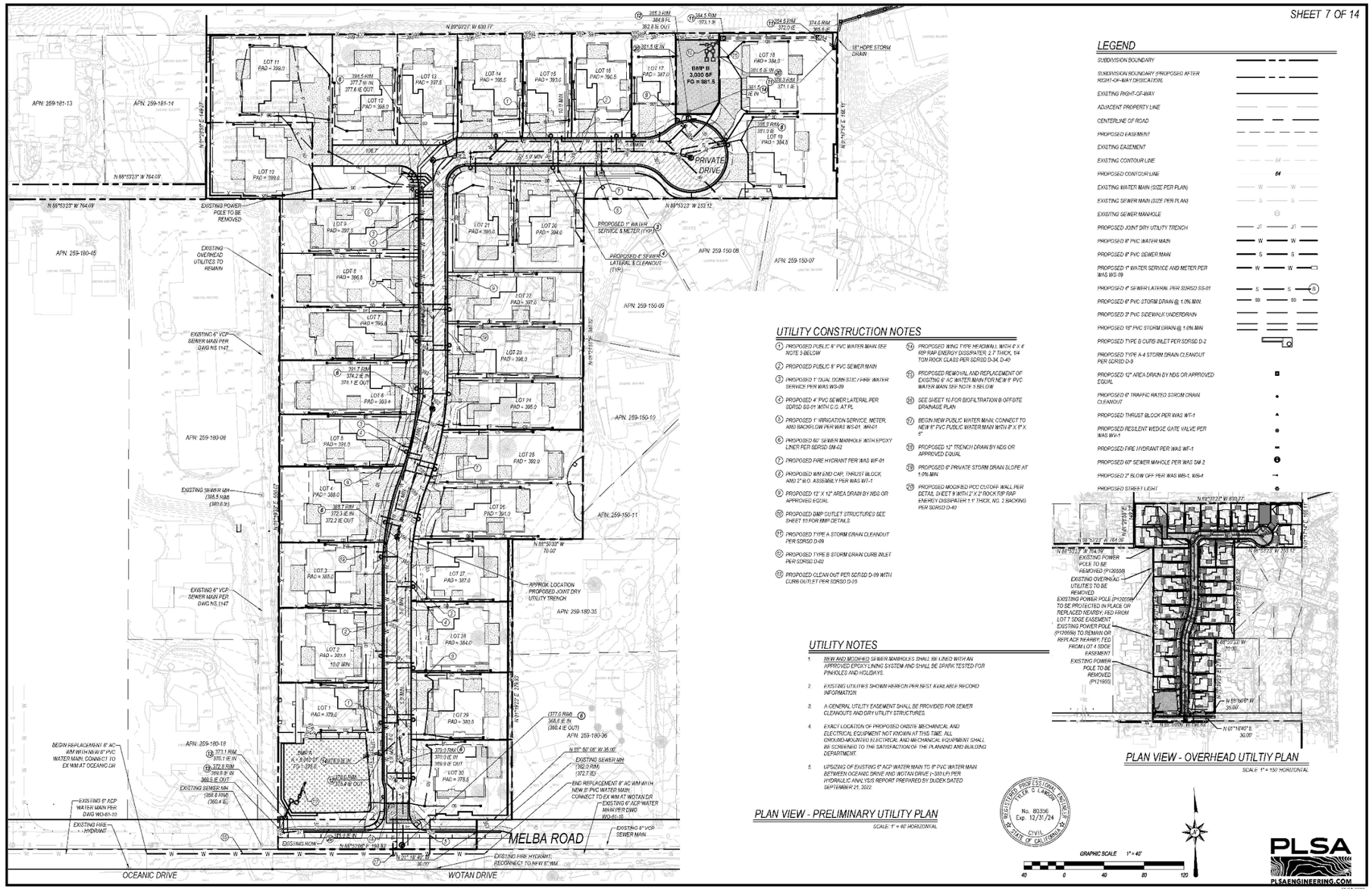

SOURCE: Pasco, Laret, Suiter & Associates, February 2024.

Preliminary Utility Plan
Torrey Crest Residential Subdivision
Figure 2-13

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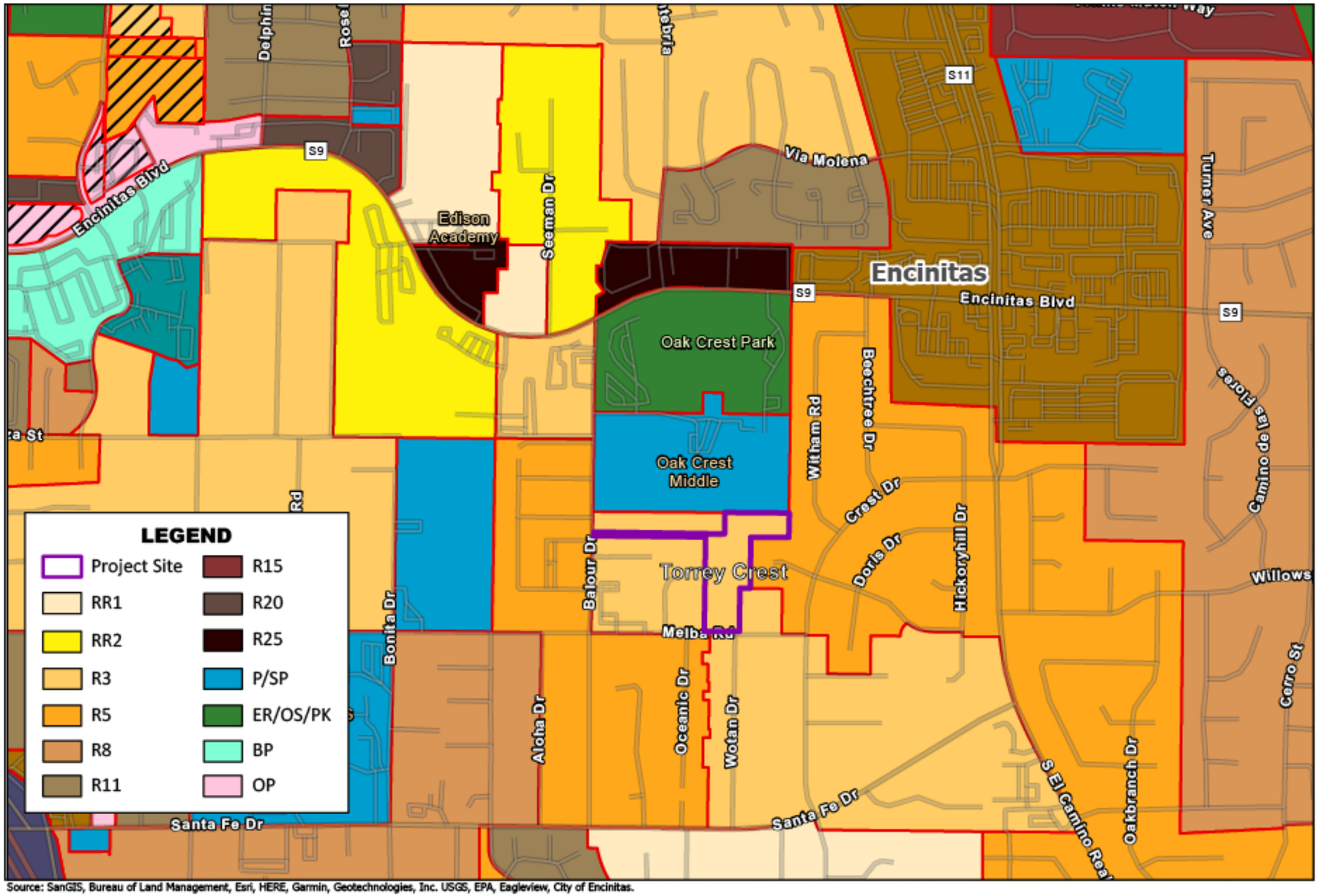

Source: SanGIS, Bureau of Land Management, Esri, HERE, Garmin, Geotechnologies, Inc. USGS, EPA, Eagleview, City of Encinitas.

Existing Zoning
Torrey Crest Residential Subdivision
Figure 2-14

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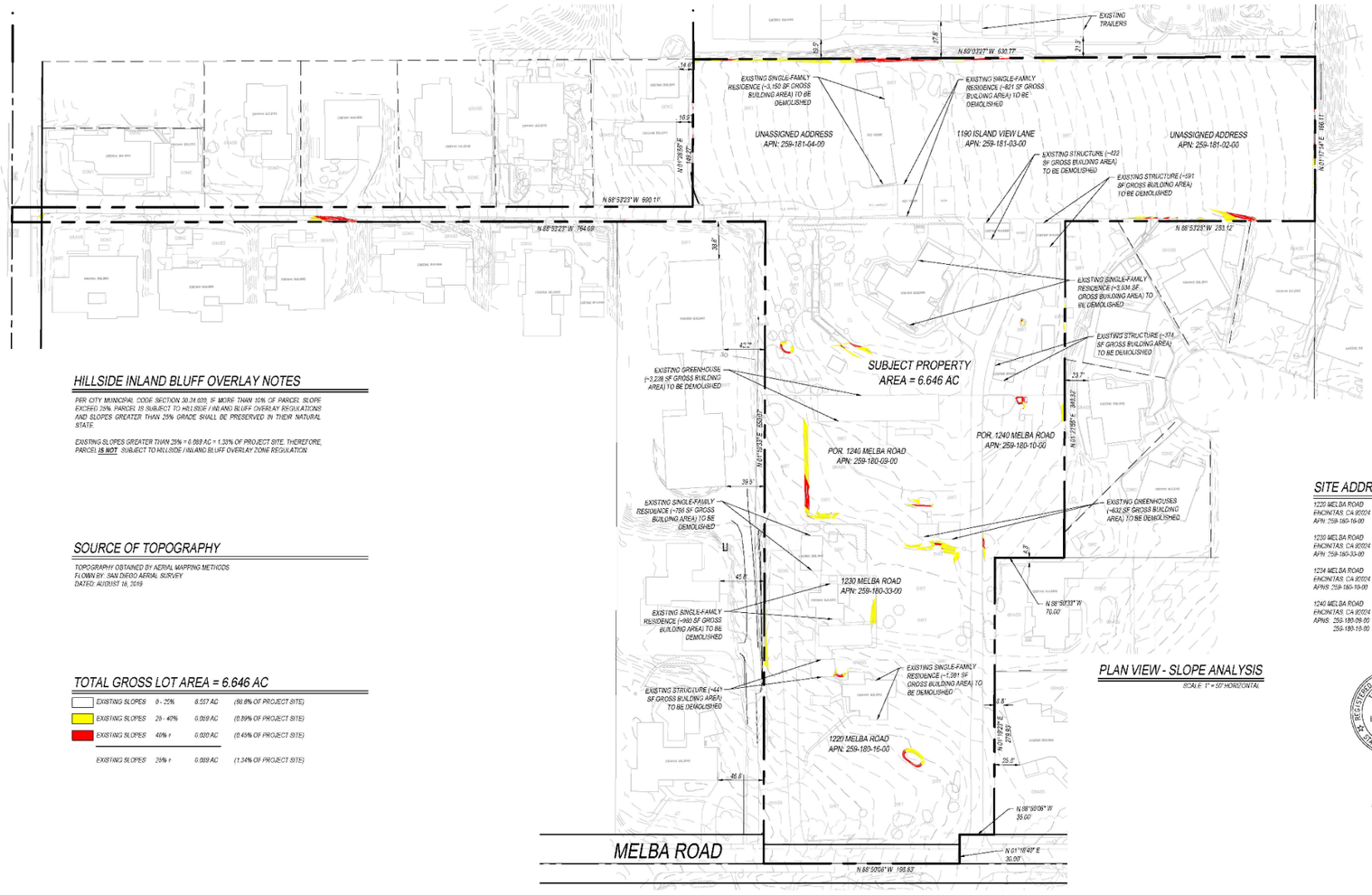
SHEET 11 OF 14

SLOPE ANALYSIS

TORREY CREST

1220 - 1240 MELBA ROAD, 1190 ISLAND VIEW LANE



HILLSIDE INLAND BLUFF OVERLAY NOTES

PER CITY MUNICIPAL CODE SECTION 30.34.020, IF MORE THAN 10% OF PARCEL SLOPE EXCEED 25%, PARCEL IS SUBJECT TO HILLSIDE / INLAND BLUFF OVERLAY REGULATIONS AND SLOPES GREATER THAN 25% GRADE SHALL BE PRESERVED IN THEIR NATURAL STATE.

EXISTING SLOPES GREATER THAN 25% = 0.089 AC = 1.33% OF PROJECT SITE. THEREFORE, PARCEL **IS NOT** SUBJECT TO HILLSIDE / INLAND BLUFF OVERLAY ZONE REGULATION.

SOURCE OF TOPOGRAPHY

TOPOGRAPHY OBTAINED BY AERIAL MAPPING METHODS
FLOWN BY: SAN DIEGO AERIAL SURVEY
DATED: AUGUST 16, 2019

TOTAL GROSS LOT AREA = 6.646 AC

EXISTING SLOPES	0 - 25%	6.557 AC	(98.8% OF PROJECT SITE)
EXISTING SLOPES	26 - 40%	0.059 AC	(0.89% OF PROJECT SITE)
EXISTING SLOPES	40% +	0.030 AC	(0.45% OF PROJECT SITE)
EXISTING SLOPES	25% +	0.089 AC	(1.34% OF PROJECT SITE)

PLAN VIEW - SLOPE ANALYSIS

SCALE: 1" = 50' HORIZONTAL

SITE ADDRESS

1220 MELBA ROAD
ENCINITAS, CA 92024
APN: 259-180-16-00

UNASSIGNED ADDRESS
ENCINITAS, CA 92024
APN: 259-131-02-00

1230 MELBA ROAD
ENCINITAS, CA 92024
APN: 259-180-33-00

1190 ISLAND VIEW LANE
ENCINITAS, CA 92024
APN: 259-131-03-00

1234 MELBA ROAD
ENCINITAS, CA 92024
APNS: 259-180-19-00

UNASSIGNED ADDRESS
ENCINITAS, CA 92024
APN: 259-131-04-00

1240 MELBA ROAD
ENCINITAS, CA 92024
APNS: 259-180-08-00
259-180-10-00

REGISTERED PROFESSIONAL ENGINEER TYLER O. LARSON No. 80356 Exp. 12/31/24 CIVIL STATE OF CALIFORNIA

GRAPHIC SCALE 1" = 50'

50 0 50 100 150

PASCO LARET SUITER & ASSOCIATES
San Diego | Solana Beach | Orange County
Phone 858.259.8212 | www.plsaengineering.com

J:\ACTIVE JOBS\3088 STAVER-MELBA\CIVIL\DRAWINGS\DISCRETIONARY PLANS\3088-CV-TMAP-11-SLOPE.DWG

PLSA 3088-01

SOURCE: Pasco, Laret, Suiter & Associates, February 2024

Average Slope Analysis
Torrey Crest Residential Subdivision
Figure 2-15

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Source: ESRI, SanGIS, City of Encinitas, 2023.
Note: Please reference Table 2-7 for additional project details; Housing Element Update occurs at various sites within the City of Encinitas; Mapping locations are approximate as many projects overlap in location due to their close proximity

Location of Potential Cumulative Projects
Torrey Crest Residential Subdivision
Figure 2-16

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3.0 ENVIRONMENTAL ANALYSIS

3.1. Aesthetics/Community Character

This section addresses potential aesthetic and visual character impacts that may result from construction and/or operation of the Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions in the project area, identifies applicable regulations, 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 *Community Character and Scenic Resource Study* prepared by CityPlace Planning (February 2024) and the Tree Survey for Torrey Pacific Corporation prepared by Wisniewski & Associates (February, 2024). The third-party Community and Scenic Resource Study and the Tree Survey were peer reviewed by Willis Environmental Planning and the City of Encinitas and are included as Appendix B and C-2, respectively.

3.1.1. Existing Conditions

3.1.1.1. Existing Visual Environment

Project Setting

The Project site is located within the community of Old Encinitas, one of the five communities in the City. Melba Avenue forms the southern border of the Project site and Oak Crest Middle School borders the site to the north. To the west is Crest Drive and to the east is Balour Drive. The site is zoned R-3 and is surrounded by existing single-family residential development, a horse farm (Seaview Farm), roadway infrastructure, and Oak Knoll Elementary. A portion of the area south of Melba Road is zoned R-5, which allows residential densities of five (5) dwelling units per acre. The area west of Balour Drive is also within the R-5 zone **(Figure 2-14, Existing Zoning**).

View in Project site from Melba Road, looking north.

At the time the Notice of Preparation was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads, and utilities. The Project site is completely disturbed by previous uses including those noted on **Table 2-4**, along with orchards and greenhouses. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle School.

There are no public views through the Project site. The current driveway provides visual access into the Project site from Melba Road, for approximately 300 feet. Beyond this, public views into the site are obscured by the topography of the site. Additionally, there are no significant visual features (i.e., oceans, lagoons, or backcountry

In addition to residential uses, portions of the Project site have been intensely utilized as an orchard and has also supported single family residences and greenhouse uses over several decades. Physically, the Project site is relatively flat to gently sloping at an elevation of 370 to 400 feet above mean sea level. Less than 2% of Project site contains slopes over 25%.

As depicted on **Figure 3.1-1, *Encinitas General Plan Visual Resource Sensitivity Map***, the Project site is not located in the City's Scenic View Corridor Overlay Zone. The Project site is, however, located within the viewshed of two vista inland points identified in the Resource Management Element, namely the Encinitas Community Center/ Senior Center and Oak Crest Park, which are adjacent to each other. The Encinitas Community Center/Senior Center is located at the corner of Encinitas Boulevard and Balour Drive, approximately 0.2 miles northwest of the Project site. Oakcrest Middle School lies between the Community/Senior Center and the Project site (**Figure 3.1-2, *Scenic Resources in Project Area***).

View from Oak Crest Park, looking south past Oak Crest Middle School towards Project site.

A scenic vista (Resource Management Policy 4.2) is also located within the northern portion of Oak Crest Park, extending northeast to a distant valley which is part of Encinitas and part of San Diego County beyond the City boundaries. One of Oak Crest Park's trails extends south through the park and terminates at the top of a slope at Oak Crest Park Drive near both Oak Crest Middle School and the Community Center/Senior Center. From this vantage point, it is possible to look south across the Oak Crest Middle School campus in the direction of the Project site. It is a very distant view interrupted by topography, vegetation and large school playing fields. The ridge with the existing homes along Island View Drive are in the distant view, mostly obscured by vegetation, and the terminus of Island View Drive. The Project site is not distinguishable from this view.

Project Viewshed

The project viewshed is generally comprised of all the surface areas visible from an observer's viewpoint and consists mainly of foreground views (0.25-0.5 miles from the viewer) since intervening topography and/or human-made screening block the majority of middle ground views (3-5 miles from the viewer) and background views (3-5 miles to infinite miles). 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. The limits of a viewshed are defined as the visual limits of the views located from the proposed Project. The viewshed also includes the locations of viewers likely to be affected by visual changes brought about by project 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.

Neither CEQA nor the City of Encinitas have technical methodologies for assessing visual resource impacts. Therefore, the methodology used for the Project was based on the Federal Highway Administration (FHWA) *Visual Impact Assessment for Highway Projects Manual* (FHWA, 1981) because it is a widely accepted and defensible process, even though the Project is not a highway project and does not occur on or cross lands under the jurisdiction of the FHWA. To inventory and characterize the affected environment for visual resources, the following visual components were considered: viewer response, viewer sensitivity, viewer groups and viewer exposure including key observation points (KOPs). These visual components are described below.

Viewer Response

Viewer response is composed of two elements: viewer sensitivity and viewer exposure. These elements combine to form a method of predicting how the viewers might react to visual changes brought about by a project. Viewer response varies based on the type of viewer and the characteristics of the visual environment that would ultimately be affected.

Viewer Sensitivity

Viewer sensitivity is the extent to which the viewing public would notice or experience a substantial change in visual quality. Viewer sensitivity is influenced by a number of factors that can differ in level of importance from one viewer to another such as awareness of the viewer, personal interest in a particular visual resource, and/or viewer activity during the time that views of a resource occur.

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.

It is likely that community members would be more sensitive to changes at the Project site than those who experience it as a tourist or visitor. Viewer sensitivity may be higher among those who experience views of the area more frequently, such as area residents or frequent travelers along Melba Road.

Viewer Groups

Viewer groups are viewers that are affected by their exposure to a project. Viewer groups are anticipated to consist of local residents and/or visitors traveling through the area viewing the subject site from surrounding public roads, area sidewalks, or faculty/students at Oakcrest Middle School. Roadway users would primarily be drivers and passengers in cars, trucks, and on motorcycles, as well as bicyclists and pedestrians.

Viewer Exposure

Viewer exposure is typically assessed by measuring the number of viewers exposed to the resource change, type of viewer activity, duration of their view, the speed at which the viewer moves, and the proximity of the viewer. The number of people within each visual character unit who might have a view of the Project elements have been divided into three groups: Low (L)- less than 100 people daily; Moderate (M) – between 100 and 1,000 people daily; and High (H) - more than 1,000 people daily.

According to the Local Transportation Analysis prepared for the Project, there are approximately 1,670 vehicles per day on Melba Road in the Project area (LOS, 2023a; Appendix J-1). No data is available on the number of pedestrians or cyclists that use Melba Road. To provide a conservative assessment, the EIR assumes the number of such viewers would fall into the "High" category of more than 1,000 people daily.

Another element in determining the impact on the viewer exposure is the length of time, or duration, the viewer will have to view the project elements. The viewing durations have been divided into three groups: Short - short or intermittent views when passing near the project elements; Moderate - occasional views of the project elements from a few minutes to a few hours per day; and Extended - extended views of more than several hours per day on a regular or constant basis.

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

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

TABLE 3.1-1 LIST OF KEY VIEWS/VIEW POINTS

Public View Point Number	Location	Representative Viewer Group	Sensitivity	Quantity	Viewing Duration
View Point 1	Melba Road traveling east, approaching Project site, looking east	Vehicles, Cyclists and Pedestrians	Moderate	High	Short
View Point 2	Wotan Drive, traveling north, immediately south of the Project site, looking north	Vehicles, Cyclists and Pedestrians	Moderate	High	Short
View Point 3	Melba Road, traveling west approaching the Project site, looking west.	Vehicles, Cyclists and Pedestrians	Moderate	High	Short

Principal Public Viewpoints Considered (Key View Points)

The Project site would primarily be visible from the public viewpoint of Melba Road. Residences in the surrounding area may also view the Project site, however these are considered private views as opposed to "public views." The following public key viewpoints were used to assess views of the Project site and represent typical views as seen by different viewer groups:

- View Point 1: Melba Road, approaching Project site, looking east
- View Point 2: Wotan Drive, immediately south of the Project site, looking north
- View Point 3: Melba Road, approaching Project site, looking west.

Existing and Proposed Conditions from these viewpoints are depicted on **Figures 3.1-3 to 3.1-5**.

3.1.1.2. Light and Glare

Existing operational light sources on and near the Project site include artificial light emanating from building interiors during evening and nighttime hours.

3.1.2. Regulatory Framework

3.1.2.1. State

California Scenic Highway Program

The State of California adopted a Scenic Highway Program (Streets and Highways Code Section 260 et seq.) in order to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.

The nearest designated state scenic highway is State Route 163 through Balboa Park, located 20 miles south of the Project site. While I-5, which is located approximately one mile west of the Project site, is an "eligible" state scenic highway, it affords no views to the Project due to intervening structures.

California Coastal Act

The California Coastal Act (Public Resources Code § 30000 et seq.) includes amongst its objectives prioritizing "the protection of important scenic resources and views from public areas," including views from roads, trails, parks and beaches. In addition, Sections 30251 and 30253 require that development protect coastal scenic, visual qualities, and special communities that add "visual attractiveness" to the coast (California Coastal Act Section 30253).

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. Because the proposed Project site falls within the California Coastal Zone, the Coastal Act requires its goals and polices be implemented by the City of Encinitas through the LUP.

3.1.2.2. 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 General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government

Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant aesthetic and community character goals and policies for the Project in effect on April 21, 2021 include:

Land Use Element

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)**
Policy 7.6:	Private development shall coordinate with street/public improvements, i.e. streetscape, landscape, site design and the like.
Policy 7.10:	Both residential and non-residential development shall be limited to a maximum height of two stories and 30 feet. Limited exceptions for non-residential development may be allowed, but only for designated specific sites as developed and adopted through area specific plans. Exceptions may also be made for Medical Complex development projects at the discretion of the City pursuant to conditional use permit applications as provided by the Zoning Code, to allow building heights up to a maximum height of three stories. An exception is also authorized for a public high school with a minimum 10-acre site.

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

Resource Management Element

Preservation of Trees and Habitat

GOAL 3	**The City will make every effort possible to preserve significant mature trees, vegetation and wildlife habitat within the planning area. (Coastal 30240).**
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 the establishment of riding/hiking trails and other natural resource paths 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 existing trees.

Community Views, Vistas and Aesthetic Qualities

Policy 4. 1	The following Vista Points and others will be acquired and developed, as feasible: • San Elijo & Kilkenny (overlooking lagoon & coast) • Highway 101, north of La Costa Avenue • Northeast and northwest corner of I-5 and La Costa Avenue • Encinitas Community Park site (Coastal Act / 30251)
Policy 4.2	The following Vista Points will be developed and maintained as feasible: • Orpheus Street Park site • Oak Crest Park site • West end of "D" Street • West end of "F" Street • West end of "J" Street (Coastal Act/30251)
Policy 4.4	The system of Vista Points will provide for the differing needs of automobile, bicycle, and pedestrian users, and will recognize as a recreational resource, the function of Vista Points as facilities for the passive, and occasionally remote enjoyment of the coastal and inland view (Coastal Act/30251/30212.5/30210

Plant Resources and Landscaping

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. (Coastal Act/30240/30251)**
Policy 9.4:	Encourage and adopt standards for the use of drought tolerant and/ or natural landscaping and efficient irrigation systems throughout the City. (Coastal Act/30231/30240)
Policy 9.6:	Require landscaping in the design of new residential, commercial, and industrial areas and buildings as detailed in the City Zoning Code regulations. (Coastal Act/30251/30253)
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)

City of Encinitas Urban Forest Management Program

The City of Encinitas recognizes that its urban forest is an integral part of the City infrastructure. Properly planned and managed, the urban forest provides ecological, social, and economic benefits including improved air and water quality, reduced erosion and water runoff; energy conservation; improved health; enhanced livability; traffic calming; noise reduction, increased property values, as well as habitats for animals (City of Encinitas, 2009). Council Policy C027- Urban Forest Management Program, approved March 18, 2009, established the following goals for the City's Urban Forest Management Program (UFMP):

- Maximize the environmental, economic and social benefits derived from the urban forest.
- Resolve conflicts between City trees and other vital infrastructure while protecting both.
- Insure that urban forest maintenance funds are spent in a cost-effective manners.
- Insure the conservation of a healthy and safe urban forest.

Urban Forest Management Administrative Manual of Procedures

The City is responsible for the management of the City's urban forest in City rights-of-way, parks, beaches, recreational trails and on City owned properties (City trees). The City also develops standards and reviews, conditions and approves developments on private property. To this end, the City adopted the *Urban Forest Management Administrative Manual of Procedures* (Manual) (as amended March 2022), which establishes specific technical standards and specifications necessary to implement the Urban Forest Management Policy. The Manual includes:

- City's Tree Preservation Policy (Appendix A), which regulates the protection of City Trees[2] and Heritage Trees[3];
- Tree Protection Guidelines (Appendix B), which identify the model tree preservation specifications that shall be made a part of all construction documents; and,
- Guidelines on How To Prevent Damage To Trees During Construction (Appendix C). The guidelines identify specific measures that must be followed to prevent damage to trees.

The Manual also identifies permits and approvals required for tree removal along with conditions for their replacement; and, establishes minimum tree maintenance standards for City trees. Further, the Manual requires development proposals to identify existing trees, and if discretionary approval is required, include conditions for tree protection during construction and maintenance thereafter.

Additionally, the Manual outlines the steps that must be taken in the preparation of a site-specific tree protection plan for private developments if any activity of the project is within the dripline of City trees or heritage trees. The Manual identifies the specific tree protection fencing that must be erected for protected trees; and, identifies the requirements of the tree protection zones that must be established around all trees or group of trees to be retained/ preserved within the development area or neighboring property that overhang or are within 25 feet of the project site.

The Manual also identifies the conditions under which a City Tree Removal Permit is required along with the permit process.

The Urban Forest Management Policy and the City's Municipal Tree Ordinance (EMC 15.02) are the City's primary regulatory tools to provide for orderly protection of trees, to promote the health, safety, welfare, and quality of life for the residents of the City, to protect property values and to avoid significant negative impacts on adjacent properties.

City of Encinitas Municipal Tree Ordinance (2017-02)

The purpose of the City's Tree Ordinance (Municipal Code Section 15.02), adopted by City Council in 2017, 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. The Municipal Tree Ordinance (EMC 15.02) is intended to supplement the City's Policies and Administrative Procedures and required that the City manager designate a City Arborist, who serves as the City's expert and advisor to the City manager and departments on urban forestry matters.

Under this ordinance, the City has the authority to regulate the management, maintenance, planting, care, and removal of trees certain within the public right-of-way or on public property to ensure safety, protect the environment, or to preserve or enhance the aesthetics of such public sites. Its

[2] Any tree growing within a City street right-of-way, on City property, or within City easements.
[3] Any tree designated by the process outlined in Section 9.00 of the Administrative Manual.

purpose 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, the removal of public trees (i.e., City trees) and heritage trees.

The Municipal Tree Ordinance affords additional protections to Heritage Trees, the removal of which requires a public hearing before the Planning Commission. A "Heritage tree" is defined as a tree of community significance located on public or private property that has been 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.

On January 18, 2023, Chapter 15.02 was amended (Ordinance 2202-21) to expand upon the definition of a "Heritage Tree". The amendment added the definition of a "Heritage Grove" and the revised definition of "Heritage Tree" in Municipal Code Chapter 15.02.020 as follows:

> *"Heritage Tree" 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. If a group of trees within a neighborhood collectively meet one or more of the Heritage Tree criteria, then that group may be designated a "Heritage Grove" and each tree that is identified individually as a significant part of that Heritage Grove shall be considered a Heritage Tree. The designation of a Heritage Tree and/or Heritage Grove on private property requires the written consent of the private property owner in a form deemed sufficient by the City Attorney.*

Under the Ordinance, the removal, cutting, pruning, breaking, injuring, defacing, or in any other way interfering with any tree, or any part thereof, either above or below the ground in the City's rights-of way requires the written approval of the City Arborist (EMC 15.02.120). The Ordinance also requires the establishment of a fenced tree protection zone (TPZ) for any construction activity that would occur within the dripline area[4] of any City tree or Heritage tree. Should a construction project on private property involve digging, excavating or trenching within the tree protection zone, a Tree Protection and Preservation Plan (TPPP) must be prepared by the property owner and

[4] "Dripline area" means the area from the trunk of a tree to the outermost edge of the tree canopy (EMC 15.02.030).

approved by the City Arborist, in accordance with Sections 2.20.1 through 2.20.7 of the *Urban Forest Management Program Administrative Manual.*

Removal of any City tree or Heritage tree must be authorized by the City Arborist (EMC 15.02.090). Removal of a Heritage tree also requires a public hearing before the Planning Commission.

City of Encinitas Municipal Code

Title 30 of the City's Municipal Code contains the Zoning Regulations which are used as an implementation mechanism for achieving the goals, objectives, and policies identified in the General Plan. General Plan land use designations provide basic criteria and guidelines for future development in the city while specific development standards are included in the Zoning Regulations which 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.

The Encinitas Municipal Code also defines several Special Purpose Overlay Zones, in Chapter 30.34. The Project site is not located within any special purpose overlay zones, including the Coastal Bluff Overlay Zone, Hillside/Inland Bluff Overlay Zone, or Scenic/Visual Corridor Overlay Zone.

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.

An analysis of the Project's consistency with the City Design Guidelines is included in Appendix D of the Community Character and Scenic Resources Study (CityPlace, 2024; Appendix B).

Local Coastal Program

In accordance with the Coastal Act, the City has adopted and implements a Local Coastal Program (LCP), which is incorporated into its General Plan, Municipal Code and various specific plans. The LCP implements the provisions and policies of the Coastal Act. These goals and policies include, protect, maintain, and enhance the Coastal Zone environment; ensure balanced utilization and conservation; maximize public access to and along the coast; prioritize coastal-dependent and related development; and encourage coordinated state and local initiatives to implement beneficial programs and other educational uses.

Approximately two-thirds of the City is comprised within the City of Encinitas LCP. Under this program, which is required to be approved by the Coastal Commission, a coastal development permit is required for all development within the City's Coastal Zone. The Project site is located within the Coastal Zone, and, as a result, requires a Coastal Development Permit (non-appealable) to ensure conformance the California Coastal Act. The City is responsible for 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, maintaining coastal access, and protection of coastal resources).

Climate Action Plan (CAP)

The City adopted a CAP in 2018, and updated it in 2020. Under the Carbon Sequestration Strategy is Goal 7.1: Increase Urban Tree Cover. Supporting measures for Goal 7.1 include "The City will continue to encourage developers to avoid the removal of any mature trees when a property is developed or redeveloped. If the removal of mature trees is unavoidable, trees are required to be replaced at a 1:1 ratio.

3.1.3. Analysis of Project Effects and Significance Determination

Approach to Analysis

This analysis provides a discussion of the visual impacts associated with the proposed project and the area surrounding the project site. Several variables affect the degree of visibility, visual contrast, and ultimately project impacts: (1) scale and size of facilities, (2) viewer types and activities, (3) distance and viewing angle, and (4) influences of adjacent scenery or land uses. Viewer response and sensitivity vary depending on viewer attitudes and expectations.

As part of this analysis, CityPlace Planning conducted a field visit to observe and document the existing visual quality and character of the Project site as well as the surrounding areas. The City's General Plan, Municipal Code and the City of Encinitas' Design Guideline were also evaluated to determine applicable policies and design requirements for the project.

Light and Glare

The analysis of light and glare impacts in this section focuses on the nature and magnitude of changes in light and glare conditions of the project site and surrounding area. If the light and glare conditions of the Proposed and the existing environment are similar, then the visual compatibility would be high. If the light and glare conditions of the proposed Project strongly contrast with the existing light and glare or applicable policies and guidelines, then light and glare compatibility would be low and significant impacts may result. Relevant urban design policies and guidelines are used to provide conclusions regarding the significance of project- and cumulative-level light and glare impacts.

This section lists the thresholds used to conclude whether an aesthetic impact would be significant.

3.1.3.1. Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if 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) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

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

3.1.3.2. Analysis

Impact 3.1-1: Have a substantial adverse effect on a scenic vista.

The Resource Management Element of the City's General Plan identifies scenic vista points, defines critical viewsheds, and identifies scenic roads, scenic view corridors and scenic vistas. A significant impact would occur if implementation of the Project would substantially block a public view through a designated scenic highway/visual corridor or from a vista point identified in the Encinitas General Plan.

As shown on **Figure 3.1-2, Scenic Resources in Project area**, the Project site is located within the viewshed of two vista inland points identified in the Resource Management Element. These include the Encinitas Community Center/Senior Center and Oak Crest Park, which are adjacent to each other (City of Encinitas, 2011). The Encinitas Community Center/Senior Center is located at the corner of Encinitas Boulevard and Balour Drive, approximately 0.2 miles northwest of the Project site. Oakcrest Middle School lies between the Community/Senior Center and the Project site. Due to the presence of the tree canopy at the Community Center/Senior Center, plus the sizeable Middle School property immediately to the south, and intervening topography, there are no views of the Project site from the Community Center/Senior Center site.

A scenic vista is also located within the northern portion of Oak Crest Park, extending northeast to a distant valley which is part of Encinitas. From this vantage point, it is possible to look south across the Oak Crest Middle School campus in the direction of the Project site. It is a very distant view

interrupted by topography, vegetation and large school playing fields. The ridge with the existing homes along Island View Drive are in the distant view, mostly obscured by vegetation, and the terminus of Island View Drive, at the western edge of the Project site, is not distinguishable from this view.

The Project site is not visible from the nearest scenic vista points and would not substantially block a public view through the vista points identified at the Encinitas Community Center/Senior Center or at Oak Crest Park. Therefore, the Project would have no impact on a scenic vista and mitigation is not required.

Impact 3.1-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The Project site has been previously disturbed with residential development and contains no rocks or outcroppings and is not located within a state scenic highway. Similarly, as discussed in Section 3.3 Cultural Resources, none of the on-site structures were found to be historic buildings as they did not meet the criteria for listing on the California Register of Historic Places (CRHR) or the National Register of Historic Places (NRHP). However, a number of mature trees are located within and adjacent to the Project site. Potential impacts to mature trees are described below.

The planting, maintenance, preservation, 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), the City's Urban Forest Management Program 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. Policy 3.2 states that mature trees shall not be removed or disturbed to provide right-of-way improvements if such improvements can be deferred, redesigned, or eliminated. Policy 3.6 supports the maintenance, to the extent possible, of significant mature trees and their incorporation into a project's design. Grading and the use of native plant species in landscaping plans for new residential development are regulated by Resource Management Element Policies 9.6, 9.8 and13.5.

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 (i.e., trees in City rights-of-way, parks, beaches, recreational trails and on City owned properties), Heritage Trees, and trees that are predesignated to be preserved. City Trees are those within the City's public rights-of-way, parks, or other public places maintained by the City. Heritage Trees, as defined in the Urban Tree Ordinance (EMC Chapter 15.02.020, as amended) means a tree or group of trees of community significance designated by the City.

According to the *Tree Survey* prepared by Wisniewski & Associates (Wisniewski, 2024; Appendix C-2), of the 173 trees surveyed on the Project site (On-Site Trees), 16 dead trees[5], 124 mature trees[6] and 33 immature trees were recorded. Similarly, of the 30 trees surveyed along the Project site boundary (Off-Site Trees), 27 mature trees and 3 immature trees were recorded. Three (3) of the Off-Site Trees are located within the public right-of-way of Melba Road and are thus considered "City Trees".

None of the on-or off-site trees surveyed were determined to be high value, rare, or possess Heritage Tree status (Wisniewski & Associates, 2024; Appendix C2). However, on August 18, 2022, the Planning Commission designated an existing tree located east of the Project site within the Melba Road ROW (adjacent to 1250 Melba Road) as a Heritage Tree (Tree No. 12158ETREE; Tree Survey Report No. x14). Additionally, on September 7, 2023, the Planning Commission approved the designation of five Torrey Pine trees (Pinus torreyana), located at 1000 Oceanic Drive (12139ETREE and 12140ETREE), 1202 Melba Road (12145ETREE and 12143ETREE), and 1250 Melba Road (12159ETREE) as a Heritage Grove (Resolution No. PC-2023-17). This grove included two (2) Off-Site Trees included in the Torrey Crest *Tree Survey Report*, namely Tree Nos. x15 and x16.

Tree Retention

The Project consists of the development of 30 for-sale single family dwelling units, as well as improvements to pedestrian facilities along the project frontage on Melba Road. Specifically the Project proposes to dedicate approximately ten (10) feet of additional right-of-way to facilitate improvements to the existing sidewalk (**Figure 2-6, Melba Road Improvements**). This dedication would widen the Melba Road right-of-way (ROW) along the project frontage to 50 feet to facilitate the required widening and improvement of Melba Road in compliance with City of Encinitas Public Roadway Standards for a Residential/Neighborhood street. It also facilitates the realignment and replacement of a five (5) foot asphalt/concrete curb, gutter, sidewalk and two ADA-compliant curb ramps on either side of the new private road.

As shown on **Figure 2-6**, three (3) existing mature Torrey Pine trees and one Coast Live Oak are located within the proposed Melba Road ROW and sidewalk area; specifically Tree Nos. 106[7], 107, 108 and 109. Removal of these trees is unavoidable in order to improve Melba Road to City standards. The Project does, however, propose to retain the Torrey Pine tree (Tree No. 119) located west of existing Lot 1 (Proposed Lot C).

Resource Management Element policies 3.2 and 4.11 address the issue of mature trees along the public right-of-way, specifying that mature trees that contribute to views along the right-of-way

[5] Trees with 90% dead branches and/or trees that had completely succumbed to insects, pathogens, or nutritional deficiencies.

[6] Defined by the Tree Survey as "every living tree, or palm, over 8 inches in diameter, measured at 54-inches above grade, or just below branching on trees with multiple trunks to be a "mature tree".

[7] Tree Nos. identified in the Torrey Crest Tree Survey Report (Wisniewski & Associates, 2024; Appendix C-2).

should be preserved whenever possible. However, the City's public road standards dictate that Melba Road should be upgraded to current standards as new development occurs. Upgrading the right-of-way and project frontage along Melba Road to meet the City's road standards would require the removal of the existing mature trees along Melba Road to allow for the completion of curb, gutter, and sidewalk improvements.

Additionally, 28 of the 30 off-site trees, including City trees and Heritage Trees x14, x15 and x16 would be retained. All on- and off-site trees to be retained will be protected during construction. The retention and protection of Torrey Pine tree (Tree No. 119) during construction, consistent with the Tree Survey's recommendations, is included in the Project. Mitigation Measure **MM BIO-2**, which requires the preparation and implementation of a Tree Protection Plan (TPP), for those off-site trees to be retained has been incorporated into the Project. The TPP will specify how each tree will be protected and maintained during construction and will ensure consistency with the UFMP. The Tree Survey's protection recommendations are summarized on **Table 3.2-5**.

Tree Removal and Replacement

Project-related tree removal is summarized on Table 3.2-4. As shown on Table 3.2-4, development of the Project would remove all existing on-site ornamental landscaping, with the exception of the Torrey Pine Tree No. 119 noted above. None of the on-site trees are protected, therefore a tree removal permit is not required. As shown on Table 3.2-4, all 16 dead trees and 119 mature on-site trees (124 Mature Trees less 5 Mature Trees to be retained = 119 Mature Trees) would be removed. Consistent with Goal 7.1 of the CAP, all mature trees that would be removed would be replaced with 24-inch box containers 15-gallon trees at a minimum 1 to 1 ratio. The Project Landscape Plan includes native plant species, shown on Table 2-3, consistent with Resource Management Element Policies 9.6 and 13.5. Dead trees and immature trees would not be replaced. The Project proposes to replace the 119 mature trees with 127 mature trees thereby exceeding the 1:1 replacement ratio.

In summation, the Project would not substantially damage scenic resources, including, but not limited to rock outcroppings, and historic buildings within a State scenic highway. With regulatory compliance, the replacement of all mature trees that would be removed at a 1:1 ratio, the protection and preservation of the on-site mature tree that would be retained and the implementation of Mitigation Measure BIO-2 for off-site , impacts to scenic resources related to the removal of on-site trees would be less than significant. No additional mitigation is required.

Impact 3.1-3: 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.

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 project

site is located within an urbanized area of the City, the latter criteria is applied for analyzing potential impacts on visual quality and public views of the site and its surroundings.

The Project consists of single-family homes that are 1 or 2 stories. Lot size, building height, lot coverage, building orientation, parking and setbacks are consistent with those typically found within the Inland Residential-Gridded communities of Old Encinitas and Inland Residential- Curvilinear communities of New Encinitas. Overall, the proposed project is similar in character to the type, intensity and character of development found throughout these communities. Additionally, the Project was reviewed for compliance with the City's Design Review Guidelines, which provide design guidance for site planning, grading and landform, circulation, parking, and streetscape, architecture and signs, lighting, and landscaping. The Project was found to be in compliance with the Design Review Guidelines and the detailed Design Review Guideline Consistency analysis is included in Appendix D of the Community Character Study (Appendix B of the EIR).

Figures 3.1-3 through 3.1-5 present visual simulations of public views of the Project site from three key viewpoints. As shown on these figures, the Project's architecture and landscaping treatments conform with the general character of the surrounding uses. Visual changes associated with the Project would not be significant. As previously discussed, the Project proposes to retain four mature Torrey Pine trees (Tree Nos. 107,108, 109 and 119) and one Coast Live Oak (Tree No. 106) along the project frontage to preserve and enhance the aesthetic quality of the site. A tree protection plan would also be developed for these mature trees and implemented during construction, as part of the proposed Project, to ensure their maintenance and preservation.

With the implementation of Mitigation Measure BIO-2 for three off site mature trees (, these On-Site Trees, in addition to 28 of the 30 Off-Site Trees would be protected during construction. Two (2) Off-Site Trees would be removed, with the tree owners' approval (see Section 3.2, Biological Resources for a detailed discussion). With regulatory compliance, the replacement of all mature trees at a minimum 1:1 ratio, and the implementation of Mitigation Measure BIO-2, impacts to scenic trees would be less than significant.

Zoning and Regulations

The Project site is located within the Residential 3 General Plan Land Use Designation and within the Residential-3 (R-3) Zone, which allows a density of three (3) dwelling units per net acre. It is surrounded by existing single-family residences development, roadway infrastructure, and Oak Crest Middle Elementary. A portion of the area south of Melba Road is zoned R-5, which allows residential densities of five (5) dwelling units per acre. The area west of Balour Drive is also within the R-5 zone **(Figure 2-14, Existing Zoning**).

The Project would be subject to City review for conformance with design requirements identified in the Municipal Code for the R-3 zone (i.e., for height, lot coverage, maximum square footage, etc.)

and has been designed to meet all applicable design requirements with the exception of the development waiver requests for various lots, allowed under the State Density Bonus Law.

Under existing zoning, the 6.646-acre site can be developed with 20 dwelling units (6.646-acres x 3 dwelling units per acre ≈ 20 dwelling units). A 20 unit housing development represents the "base project". The Project proposes to set aside three (3) dwelling units for very-low income households, which represent 15% of the "base project". Therefore, in accordance with the California Density Bonus Law (§ 65915(f)(2)), the Project meets the criteria for and is entitled to a density bonus of 50% of the base project and can develop up to 30 dwelling units on the Project site (20 dwelling unit base project + 50% Density Bonus of 10 dwelling units = 30 dwelling units). The proposed residential density would be roughly equivalent to 4.64 DU per acre.

Coastal Overlay Zone

The City of Encinitas General Plan includes issues and policies related to California Coastal Act requirements; therefore, the City of Encinitas General Plan serves as 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 with the California Coastal Act. Projects within the Coastal Zone Overlay are subject to certain design restrictions for developing within 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. The Project also includes pedestrian amenities that would link to off-site pedestrian pathways, thereby ensuring continued coastal access as well as removal and replacement of pedestrian amenities on Melba Road at the project entrance.

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.

Impact 3.1-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The proposed Project would have a significant impact if substantial light or glare would adversely affect nighttime or daytime views, respectively, in the area. The proposed project would develop 30 single-family residences, each with windows, as well as exterior lighting. As noted in the existing setting section, the site is surrounded by existing single-family residential development, a horse

farm, roadway infrastructure, and Oak Knoll Elementary school, the finishes on which all contribute to the existing daytime glare and nighttime lighting of the area.

Potential sources of light associated with the Project would consist of typical sources of lighting associated with a residential development and from vehicles traveling to and from the project site. Consistent with surrounding uses, the Project proposes to install three (3) pedestrian scale street lights; one at the Project entrance; one near the mailboxes in the middle of the property (north of Lot 9), and one at the end of the cul-de-sac at the northeast side of the property (south of Lot 17). All lighting would be consistent with the City's lighting standards (MC 30.40.010 (I)), which require:

- All light sources to be shield in such a manner that light is directed away from streets or adjoining properties;
- All residential zones must have a measured sustained light standard that does not exceed one-half foot-candle at the property line; and,
- Outdoor lighting fixtures to be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture.

The installation of three (3) pedestrian scale street lights, providing one-half foot candle of light at the property line and shielded to direct light away from adjoining properties would not adversely affect day or nighttime views in the area. Lighting impacts would be less than significant and no mitigation is required.

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 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. As shown on **Figures 2-12a, 2-12 b, and 2-12c** which illustrate the proposed building elevations, construction materials and colors anticipated, the Project does not include large expanses of glass or high gloss surface finishes 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.

In accordance with Title 24 of the California Building Code, the Project will install all wiring or conduits for future installation of photovoltaic (PV) panels on the roofs of the residences. Rooftop PV panels would generally be visible in views looking toward to the project site. Due to the nature of their intended function, PV solar PV panels are designed to be highly absorptive of incoming sunlight and are not anticipated to create substantial glare that would affect motorists, on- or off-site receptors. The installation of PV panels is required to achieve building code standards and to generate adequate energy for continued operational needs, while the duration of any received glare and exposure of receptors at specific on- or off-site locations to any glare generated by the project would be temporary. Therefore, the installation of solar panels would not contribute to a substantial glare effect.

Based on the discussion above, the Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Impacts would be less than significant and no mitigation would be required.

3.1.4. Mitigation Measures

With implementation of Mitigation Measure **MM BIO-2**, which requires preparation of a Tree Protection Plan for off-site Trees to be retained, impacts to scenic resources would be less than significant. No other significant community character impacts have been identified and no additional mitigation measures would be required.

3.1.5. Cumulative Impact Analysis

When analyzing cumulative visual impacts, it is important to consider those projects listed on **Table 2-6 and Table 2-7**, that could alter the existing visual environment within the same viewshed as the Project. The cumulative projects nearest the Project include the Santa Fe Drive Improvements project, the construction of residential units near the intersection of Santa Fe Drive and Bonita Drive, as well as three new residences on a vacant lot on Evergreen Drive, between Melba Road and Santa Fe Drive.

Construction of these project could contribute to the short-term temporary construction visual impacts in the vicinity of the Project by adding more construction equipment operating in the area, increasing vegetation removal, landform modifications, stockpiling, and other construction-related activities. Mitigation measures, such as screening of staging areas, are available to reduce visual impacts of construction of these cumulative projects.

The Project site is located within the scenic viewshed of two vista points identified in the Resource Management Element, namely the Encinitas Community Center/ Senior Center and Oak Crest Park. It should be noted that there are no views of the Project site from the Encinitas Community Center/Senior Center site and distant views to the site from Oak Crest Park are obscured by vegetation and the terminus of Island View Drive. Because the Project would have no direct impacts

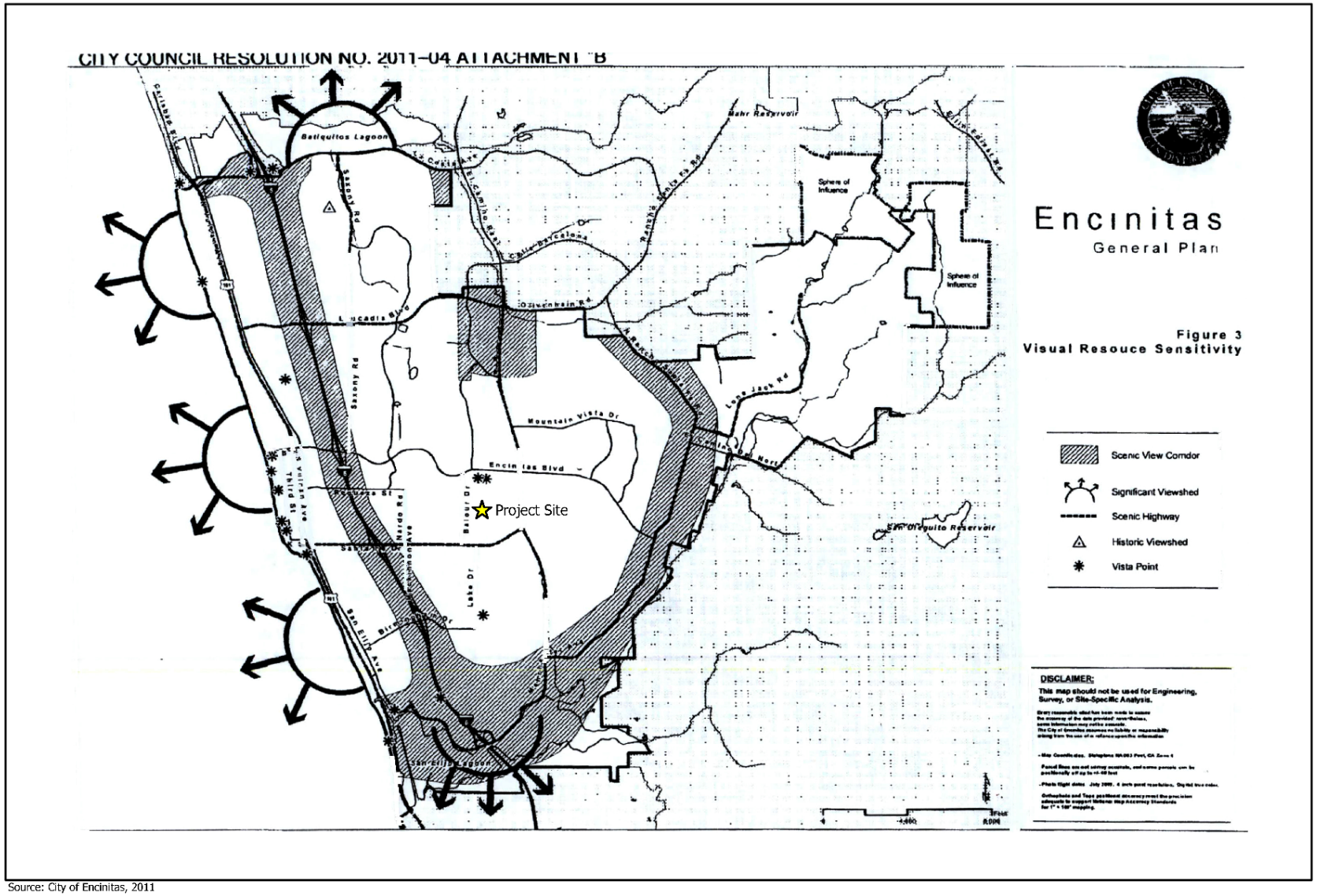
on scenic views nor would it reduce the value of any scenic resource it would not contribute to a cumulative impact on these resources.

Additionally, with the implementation of MM BIO-2, the Project would not result in damage to any scenic resources, Heritage Trees, rock outcroppings, or historic buildings. 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. Conformance to such regulations, combined with proposed mitigation for preparation of a Tree Protection Plan, the Project is not anticipated to contribute to a cumulative impact from substantial damage to scenic resources in this regard.

Public views in the project vicinity are characterized by residential development, varied commercial uses, surface parking, and established landscaping. Because the Project includes uses similar to existing residential developments in the surrounding 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 when viewed in conjunction with existing development. Furthermore, the height, mass, scale of the project elements would be respective of the community character and in conformance with existing regulations (with exception of a limited increase in maximum building height). The degree to which the proposed building elements would be visible within the viewshed would further be reduced by proposed ornamental landscaping.

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



Source: City of Encinitas, 2011

Encinitas General Plan Visual Resource Sensitivity Map
Torrey Crest Residential Subdivision
Figure 3.1-1

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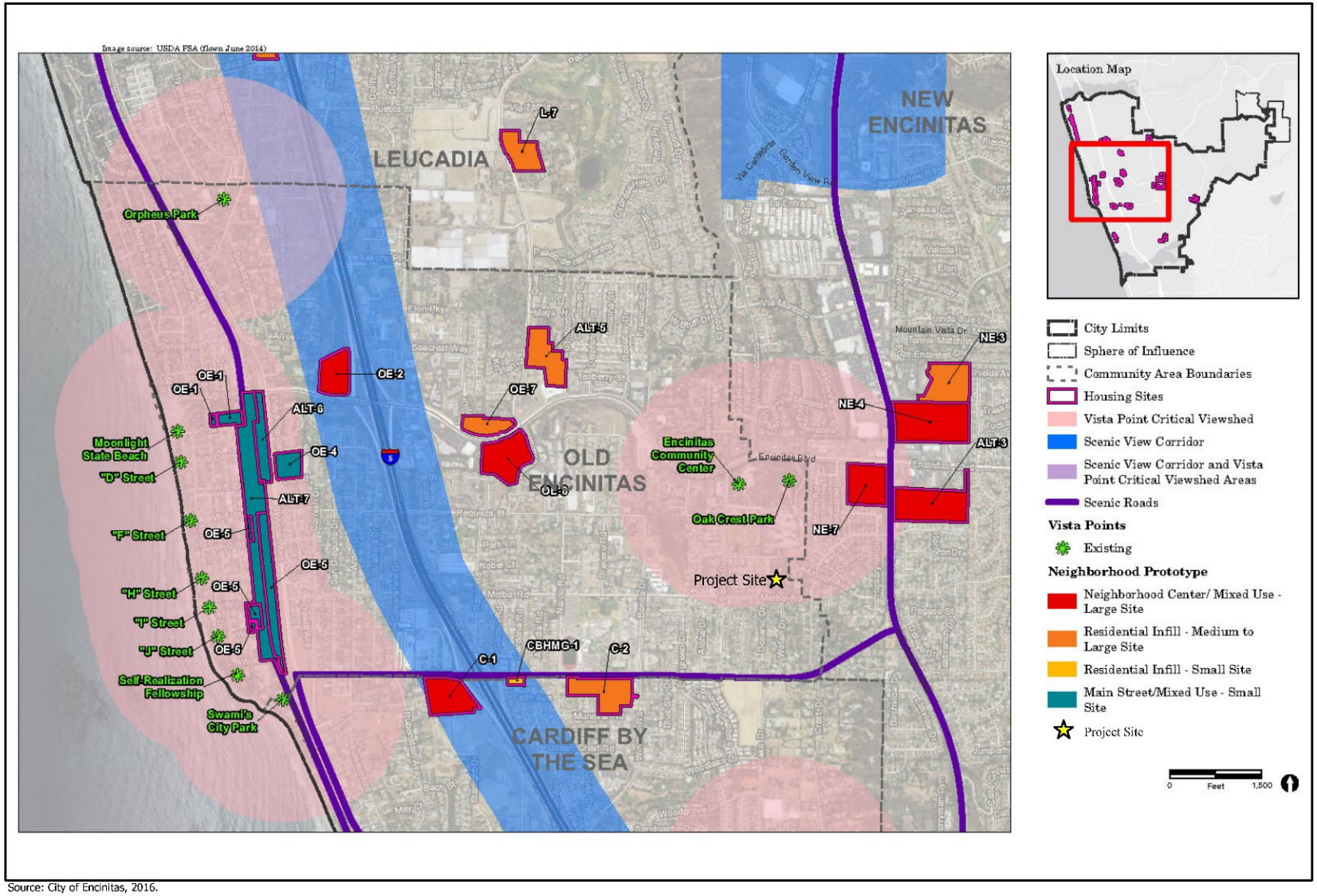

Source: City of Encinitas, 2016.

Scenic Resources in Project Area
Torrey Crest Residential Subdivision
Figure 3.1-2

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Existing Conditions (Eastbound, View Point 1)

Proposed Project — New Trees; 5-Year Growth

Proposed Project — New Trees; Mature Growth

Source: CityPlace, February 2024

Existing and Proposed Conditions from View Point #1 (Eastbound View)

Torrey Crest Residential Subdivision

Figure 3.1-3

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Existing Conditions (Northbound, View Point #2)

Proposed Project — New Trees; 5-Year Growth

Proposed Project — New Trees; Mature Growth

Source: CityPlace, February 2024.

Existing and Proposed Conditions from View Point #2 (Northbound View)

Torrey Crest Residential Subdivision

Figure 3.1-4

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Existing Conditions (Westbound, View Point #3)

Proposed Project — New Trees; 5-Year Growth

Proposed Project — New Trees; Mature Growth

Source: CityPlace, February 2024

Existing and Proposed Conditions from View Point #3 (Westbound View)

Torrey Crest Residential Subdivision

Figure 3.1-5

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3.2. Biological Resources

This section addresses potential biological resources impacts that would result from construction and/or operation of the Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions in the Project area, identifies applicable regulations, identifies and analyzes environmental impacts (including impacts on sensitive species and habitat), and recommends measures to reduce or avoid adverse impacts from implementation of the Project, as applicable.

The analysis in this section is based on the *Biological Assessment Letter Report* prepared by BLUE Consulting Group (Blue Consulting Group, 2024), the *Tree Survey Report* prepared by Wisniewski & Associates (Wisniewski & Associates, 2024) and a *Consulting Arborist Memo* prepared by Wisniewski & Associates in November 2023 documenting the condition of Canary Island Date Palm trees and a Torry Pine tree on the Project site (Wisniewski & Associates, 2023). The Biological Assessment Letter Report , Tree Survey and were peer reviewed by Willis Environmental Planning and the City of Encinitas and are included as Appendix C-1, C-2, and C-3, respectively.

3.2.1. Existing Conditions

The Project site is located within the community of Old Encinitas, one of the five communities in the City. Melba Avenue forms the southern border of the Project site, to the west is Crest Drive and to the east is Balour Drive. At the time the Notice of Preparation was published, the Project site was developed with residential use and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle School.

The Project site is developed and disturbed, and has been intensely utilized for orchard, single-family residential and greenhouse uses over several decades.

Biological Surveys

The Biological Assessment documents the pedestrian survey of the entire Project site and adjacent natural areas conducted on December 22, 2020. Prior to conducting the biological surveys, a thorough review of relevant maps, databases, and literature pertaining to biological resources was performed. Recent aerial imagery, topographic maps, soils maps, and other maps of the Project site and immediate vicinity were acquired and reviewed to obtain updated information on the natural environmental setting. Preliminary database searches were performed on the following websites to identify special-status species with the potential to occur in the Project area (refer to Appendix C-1 for additional details):

- Records search of the California Natural Diversity Database (CNDDB)
- List of potentially occurring special-status plants generated by a query of the California

- California Native Plant Society (CNPS) Inventory of Rare, Threatened, and Endangered Plants of California
- Consortium of California Herbarium applications
- List of potentially occurring listed species produced by the US Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW)
- San Diego Geographic Information Source (SANGIS)

A general habitat, sensitive and rare species biological survey, along with a protocol wetland delineation were conducted for the Project site and the area approximately 100 feet beyond the property lines on December 22, 2020. No wetlands, waters of the United States or waters of the State were identified on the Project site (Blue Consulting Group, 2024; Appendix C-1). USFWS focused, protocol-level surveys were not conducted as part of the site visit due to the developed conditions of the site and results of the literature review. Plant and wildlife species observed during the survey were recorded, and representative photographs of the property were taken. The individuals who conducted the surveys, the date and time of the surveys, and survey conditions are available in the Biological Resources Assessment (Appendix C-1).

Vegetation Communities

The Project site consists of two habitat types: urban/disturbed and developed (**Figure 3.2-1 Existing Vegetation and Habitats**). No native or natural habitat exists on the Project site. **Table 3.2-1** summarizes the vegetation communities and habitats mapped within the survey area. A brief description of each vegetation community is provided below.

TABLE 3.2-1. VEGETATION COMMUNITIES/HABITATS WITHIN THE SURVEY AREA

Habitat Type	Acreage
Urban/Disturbed Habitat	4.726
Developed (paved/developed area)	1.92
On-Site Total	**6.646**

Source: BLUE Consulting Group, 2024 (Appendix C-1).

Urban/Disturbed Habitat

As shown on **Table 3.2-1**, the majority of the Project site (4.726 acres) consists of urban disturbed habitat. Urban disturbed land consists of all land graded, disturbed and/or covered by non-native ornamental landscape vegetation, and includes the mature ornamental oak trees (*Quercus* ssp.) and Torrey pine trees (*Pinus torreyana*) on the Project site and within the City ROW along Melba Road. Other on-site non-native plant species observed include ornamental trees such as pine (*Pinus* spp.), pepper (*Schinus* spp.), palm (*Washingtonia* spp., *Phoenix* spp.), and gum; shrubs such as acacia

(*Acacia* spp.) and oleander (*Nerium oleander*); and, groundcover such as turf grass, red apple (*Aptenia cordifolia*), and hottentotfig (*Carpobrotus edulis*), Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), and sow-thistle (S*onchus oleraceus*). Disturbed land typically provides little habitat for wildlife species.

Developed Land

The remainder of the Project site (1.92 acres) was identified as "developed land". This designation is used for those portions of the Project site that have been previously converted to pavement, paths, and structures and includes roads, driveways, greenhouses and residential structures.

Sensitive Habitats

Sensitive habitats are those which generally support sensitive plant or wildlife species and have limited distribution, restricted habitat requirements, particular susceptibility to human disturbance, degradation due to development or invasion by non- native species, or a combination of all of these factors. The Project site consists of Urban/Disturbed areas and Developed Habitats; no sensitive habitats were observed during the pedestrian surveys.

Sensitive Plant Species

Sensitive or special status plant species are those which are considered rare, threatened, or endangered within the state or region by local, state, or federal resource conservation agencies. Sensitive plant species are so called because of their limited distribution, restricted habitat requirements, or particular susceptibility to human disturbance, or a combination of these factors.

No sensitive plant species were observed on-site during the biological survey, and due to the condition of the site, none would be expected to occur. Due to lack of appropriate habitat, the potential for sensitive plant species to occur on the Project site ranges from "none to low".

Sensitive Wildlife Species

Sensitive or special status wildlife species are those which are considered rare, threatened, or endangered within the state or region by local, state, or federal resource conservation agencies. Sensitive species are so called because of their limited distribution, restricted habitat requirements, or particular susceptibility to human disturbance, or a combination of these factors.

Two (2) wildlife species were identified on-site, a western fence lizard (Sceloporus occidentalis) and a house finch (Carpodacus mexicanus), neither of which are considered sensitive wildlife species. The Project site does not contain appropriate habitat or hydrologic regime capable of supporting any of the potential sensitive wildlife species. As a result, none were observed or are expected to occur at the site. Following the USFWS's visit to the Project site on August 9, 2022, the USFWS agreed the site has low potential to contain the federally and state threatened Del Mar

Manzanita (Arctostaphylos glanduloso ssp. Crassifolia), Encinitas baccharis (Baccharis vanessae) and Orcutts, spine flower (Chorizanthe orcuittiana)

Migratory Birds and Raptors

The Project site contains numerous scattered mature ornamental landscaping that can serve as nesting habitat for year round and seasonal avian residents that have the potential to occur in the area. Mature trees can also support raptor nesting. Raptors are large predatory or scavenger birds that typically require tall trees for perching and nesting associated with adjacent open grasslands to forage. Due to declining habitat and the associated declining numbers of these species on the whole, many raptor species have been designated as California Species of Special Concern by the CDFW. These species are protected, especially during their critical nesting and wintering stages. Raptors are protected under the CDFW California Raptor Protection Act (Title 14, Section 670). No nests or birds displaying overt nesting behavior were observed during the pedestrian survey.

Wildlife Corridors and Linkages

Development within San Diego County has reduced the total available open space acreage for wildlife populations, and in some instances, created isolated islands of habitat. In general, corridors and linkages are smaller constrained areas of habitat that connect larger areas of habitat which are otherwise separated by rugged terrain, changes in vegetation, or urban development. Wildlife corridors are especially important for species with large habitat ranges or seasonal migrations. A "corridor" is a specific route that is used for the movement and migration of species, and may be different from a linkage" in that it represents a smaller or narrower avenue for movement. In San Diego County, important corridors/linkages have been identified on the local and regional scale in establishing a connection between the northern and southern regions.

The Project site and surrounding areas are fully developed and actively utilized. The Project site is not located within an existing recognized wildlife corridor and likewise does not serve as a habitat linkage. Use of the site as a "corridor" is prohibited by the chain link fencing installed between the Project site and the adjacent elementary school to the north.

Tree Surveys/Regulated Trees

Tree Survey Report

Trees are protected under the City of Encinitas Urban Forest Management Program and the City's Municipal Tree Ordinance (EMC 15.02). A *Tree Survey Report* was prepared by Wisniewski & Associates in July 2021 and was updated in March 2022, July 2022, October 2023 and February 2024 as the project design was refined and modified during the City's review process. This *Tree Survey Repor*t, also known as an "arborist report", is included as Appendix C-2 of this EIR and examined the condition, location, and size of 173 trees within the Project site (referred to as "On-Site Trees") and 30 trees located along, or overhanging the Project site boundary (referred to as

"Off-Site Trees"). All trees greater than 4-inches in diameter - measured at 54 inches above the natural grade[1] - were included in the survey. For trees with multiple trunks, the diameter of each trunk was measured at either 54 inches or just below the point where the trunks diverged. Each tree that was surveyed received a "unique" tree number. The location of each tree surveyed is provided on **Figures 2-9a** and **Figure 2-9b, Existing Trees**. Because the City of Encinitas does not have a definition for mature trees, the *Tree Survey Report* considered every living tree, or palm, over 8 inches in diameter, measured at 54-inches above grade, or just below branching on trees with multiple trunks to be a "mature tree".

As shown on **Table 3.2-2**, of the 173 trees surveyed on the Project site (On-Site Trees), 16 dead[2] trees, 124 mature trees and 33 immature trees were recorded. Similarly, of the 30 trees surveyed along the Project site boundary (Off-Site Trees), 27 mature trees and 3 immature trees were recorded. Three (3) of the Off-Site Trees are located within the public right-of-way of Melba Road and are thus considered "City Trees". None of the on-or off-site trees surveyed were determined to be high value, rare, or possess Heritage Tree status (Wisniewski & Associates, 2024; Appendix C-2).

TABLE 3.2-2. TREE SURVEY RESULTS

Location	Condition			Total	Status		
	Dead	Mature [b]	Immature		City Tree [c]	City No./ (Tree Survey No)	Heritage Tree [d]
On-Site	16	124	33	173	0	Not Applicable	0
Off-Site [a]	0	27	3	30	1	12143ETREE (x15) [e]	1
					1	12145ETREE (x16) [f]	1
					1	12158ETREE (x14) [g]	0

Notes: (a) Off- Site Tree = trees located along, or overhanging the Project site boundary.
(b) Any tree with 8-in. trunk or greater.
(c) Any tree growing within a City street right-of-way, on City property, or within City easements.
(d) Any tree designated by the process outlined in Section 9.00 - Urban Forest Management Administrative Manual of Procedures.
(e) Heritage Tree No. HTREE-006065-2023.
(f) Heritage Tree No. HTREE-006067-2023.
(g) Heritage Tree No. HTREE-004968-2021.
Source: Wisniewski & Associates, 2024 (Appendix C-2) and Planning Commission Resolution PC-2022-16.

It should be noted however, on August 18, 2022, the City of Encinitas Planning Commission designated an existing tree located east of the Project site within the Melba Road ROW (adjacent to 1250 Melba Road) as a Heritage Tree (City Tree No. 12158ETREE; Tree Survey Report No. x14; Heritage Tree HTREE-004968-0201) (Planning Commission Resolution PC-2022-16).

[1] Also known as the Diameter at Breast Height (DBH).

[2] Trees with 90% dead branches and/or trees that had completely succumbed to insects, pathogens, or nutritional deficiencies.

On September 7, 2023, the Planning Commission approved the designation of five (5) Torrey Pine trees (Pinus torreyana), located at 1000 Oceanic Drive (12139ETREE and 12140ETREE), 1202 Melba Road (12145ETREE and 12143ETREE), and 1250 Melba Road (12159ETREE) as a Heritage Grove (Resolution No. PC-2023-17). This grove included two (2) Off-Site Trees included in the Torrey Crest *Tree Survey Report*, namely Tree Nos. x15 and x16.

Consulting Arborist's Report


Photo of Dead Date Palm

In November 2023, the arborist, Wisniewski & Associates, visited the Project site to document the condition of Canary Island Date Palms *(Phoenix Carnarius)* on the site; along with condition of the canopy of Torrey Pine Tree No. 119 (Wisniewski & Associates, 2023; Appendix C-3). At the time of the initial Tree Survey in July 2022, 19 Canary Island Data Palms recorded; two (2) were in "good" condition, 11 were in in "fair" or "poor" and six (6) were dead. In November 2023, five (5) additional palms were dead and one was "functionally dead". Wisniewski & Associates noted that several pests including the South American Palm Weevil, Pink Rot Fungus and Fusarium Wilt have been killing Canary Island Date Palms for years; however, the exact cause of death of the subject trees could not be determined without laboratory analysis (Wisniewski & Associates, 2023; Appendix C-3). To avoid risk to residents and property damage from the falling trees, fourteen (14) of the Canary Island Date Palms were scheduled for removal in December 2023.

For Torrey Pine No. 119, it was confirmed that the upper canopy decline was the result of Pine Bark Bettles and was treated by a licensed tree care professional.

3.2.2. Regulatory Framework

Federal

Endangered Species Act

The federal Endangered Species Act (ESA) establishes 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 under Section 10 of the Act. The ESA allows for the take of threatened or endangered species after consultation has deemed that development activities would not jeopardize the continued existence of the species. The

ESA also provides for a Section 7 consultation when a federal permit is required, such as a Clean Water Act Section 404 Permit.

"Critical habitat" is a term within the ESA designed to guide actions by federal agencies (as opposed to state, local, or other agency actions) and defined as an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species.

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 Sections 3800, 3513, and 3503.5 of the California Fish and Game Code (FGC).

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

State

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFW. State lead agencies are required to consult with CDFW to ensure any action it undertakes is not likely to jeopardize the continued existence of any state-listed endangered, threatened, or candidate plant and animal species. The "take" of a state endangered species is approved in a manner similar to that of the federal act, with a take permit being granted through Section 2081 of the CESA. In addition to listed species, the CDFW also maintains a list of "species of special concern," including species whose breeding populations in California may face local extirpation. To avoid future listing of these species of special concern as endangered or threatened, the CDFW recommends consideration of these species (although they do not as yet carry legal status) during analysis of the impacts of proposed projects.

There are no state agency consultation procedures under the CESA. For projects that affect both a state and federal listed species, compliance with the federal Endangered Species Act would satisfy the CESA act if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is "consistent" with the CESA under FGC Section 2080.1. For projects that would result in a take of a state-only listed species, the Project proponent must apply for a take permit under Section 2081(b).

California Fish and Game Code

The California Fish and Game Code codifies regulations for the management and protection of the state's fish, wildlife, plant and native habitats.

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). Project impacts to these species are not considered significant unless the species are known to have a high potential to occur in the area of disturbance associated with construction of a proposed project.

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 (CNDDB). The CDFW also identifies sensitive vegetation communities on its List of California Natural Communities Recognized by the CNDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by federal or state agencies, must be considered and evaluated under the California Environmental Quality Act (CEQA).

Species of Special Concern

Species of special concern are broadly defined as animals not listed under the CESA, 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 CESA and recovery efforts that might ultimately be required. The 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.

Natural Community Conservation Planning Act of 1991

The Natural Community Conservation Planning Act 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.

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 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 North County MHCP, adopted and certified by the SANDAG Board of Directors on March 28, 2003, extends the County's MHCP program into the northwestern areas of the County. The North County MHCP includes six (6) incorporated cities in northwestern San Diego County: Carlsbad Encinitas, Escondido, San Marcos, Solana Beach, and Vista. These jurisdictions would implement their respective portions of the MHCP through "subarea" plans, which describe the specific implementing mechanisms each city would institute. 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 of Encinitas Draft Subarea Plan (2001) addresses how the City could 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 the potential impacts to natural habitats and rare, threatened, or endangered species caused by projects in the City. The Draft Subarea Plan also forms the basis for Implementing Agreements, which would be the legally binding agreements between the City and the wildlife agencies that ensure implementation of the plan and provide the City with state and federal "take authority."

Once adopted, this Encinitas Subarea Plan will result in issuance of federal and state authorizations for the "take" of listed rare, threatened, or endangered species. These authorizations will be granted to the City by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), collectively referred to as the wildlife agencies. The City, in turn, may then authorize the taking of natural habitats or associated species by public or private projects within its jurisdiction as long as those biological resources are adequately conserved by, and the projects are

consistent with and covered by, the provisions of the Subarea Plan. Table 1-1 of the Subarea Plan presents the list of species proposed for coverage under this plan.

Additionally, the Draft Subarea Plan identifies "focused planning areas" (FPA), which show expected levels of conservation that could be achieved by applying available regulatory mechanisms to conserve biologically valuable areas (primarily but not exclusively within the BCLA). Creation of the FPAs thus considered not only the biological value of lands, but also economic, legal, and other constraints to preserving these lands. The FPAs are represented by a combination of "hardline" preserves, indicating lands that will be conserved and managed for biological resources, and "softline" planning areas, within which preserve areas will ultimately be delineated based on further data and planning.

The Project site is located within the Subarea Plan; however, it is not located within a "hardline" focused planning area (FPA) or a "softline" FPA (Figure 3.2-3 City of Encinitas Focused Planning Areas). It should be noted that the Subarea Plan has not been adopted by the City of Encinitas.

City of Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and policies designed to shape the long-term development of the City, as well as protect its environmental, social, cultural, and economic resources.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[3], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant public service and facility goals and policies for the Project in effect on April 21, 2021 include:

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. (Coastal 30240)**

[3] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

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 the establishment of riding/hiking trails and other natural resource paths for the public good, or with the preservation of views.
Policy 3.6:	Future development shall maintain significant mature trees to the extent possible and incorporate them into the design of development projects.
GOAL 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. (Coastal Act/30240/30251)**
Policy 9.6:	Require landscaping in the design of new residential, commercial, and industrial areas and buildings as detailed in the City Zoning Code regulations (Coastal Act/30251/30253)
Policy 9.8:	Brush clearing and grading for agricultural, construction and purposes shall be subject to City review (Coastal Act/30240)
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)
Policy 13.6:	Establish and preserve wildlife corridors. (Coastal Act/30231/30240)

City of Encinitas Urban Forest Management Program

The City of Encinitas recognizes that its urban forest is an integral part of the City infrastructure. Properly planned and managed, the urban forest provides ecological, social, and economic benefits including improved air and water quality, reduced erosion and water runoff; energy conservation; improved health; enhanced livability; traffic calming; noise reduction, increased property values, as well as habitats for animals (City of Encinitas, 2009). Council Policy C027- Urban Forest Management Program, approved March 18, 2009, established the following goals for the City's Urban Forest Management Program:

- Maximize the environmental, economic and social benefits derived from the urban forest.
- Resolve conflicts between City trees and other vital infrastructure while protecting both.

- Insure that urban forest maintenance funds are spent in a cost-effective manners.
- Insure the conservation of a healthy and safe urban forest.

Urban Forest Management Administrative Manual of Procedures

The City is responsible for the management of the City's urban forest in City rights-of-way, parks, beaches, recreational trails and on City owned properties (City trees). The City also develops standards and reviews, conditions and approves developments on private property. To this end, the City adopted the *Urban Forest Management Administrative Manual of Procedures* (Manual) (as amended March 2022), which establishes specific technical standards and specifications necessary to implement the Urban Forest Management Policy. The Manual includes:

- City's Tree Preservation Policy (Appendix A), which regulates the protection of City Trees[4] and Heritage Trees[5];
- Tree Protection Guidelines (Appendix B), which identify the model tree preservation specifications that shall be made a part of all construction documents; and,
- Guidelines on How To Prevent Damage To Trees During Construction (Appendix C). The guidelines identify specific measures that must be followed to prevent damage to trees.

The Manual also identifies permits and approvals required for tree removal along with conditions for their replacement; and, establishes minimum tree maintenance standards for City trees. Further, the Manual requires development proposals to identify existing trees, and if discretionary approval is required, include conditions for tree protection during construction and maintenance thereafter.

The Urban Forest Management Policy and the City's Municipal Tree Ordinance (EMC 15.02) are the City's primary regulatory tools to provide for orderly protection of trees, to promote the health, safety, welfare, and quality of life for the residents of the City, to protect property values and to avoid significant negative impacts on adjacent properties.

City of Encinitas Municipal Tree Ordinance (2017-02)

The purpose of the City's Tree Ordinance (Municipal Code Section 15.02), adopted by City Council in 2017, 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. The Municipal Tree Ordinance (EMC 15.02) is intended to supplement the City's Policies and Administrative Procedures as outlined in the City's Urban Forestry Management Program and required that the City manager designate a City Arborist, who

[4] Any tree growing within a City street right-of-way, on City property, or within City easements.
[5] Any tree designated by the process outlined in Section 9.00 of the Administrative Manual.

serves as the City's expert and advisor to the City manager and departments on urban forestry matters.

The Municipal Tree Ordinance affords additional protections to Heritage Trees, the removal of which requires a public hearing before the Planning Commission. A "Heritage Tree" is defined as a tree of community significance located in the City on public or private property that has been 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.

On January 18, 2023, Chapter 15.02 was amended (Ordinance 2202-21) to expand upon the definition of a "Heritage Tree". The amendment added the definition of a "Heritage Grove" and the revised definition of "Heritage Tree" in Municipal Code Chapter 15.02.020 as follows:

> *"Heritage Tree" 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. If a group of trees within a neighborhood collectively meet one or more of the Heritage Tree criteria, then that group may be designated a "Heritage Grove" and each tree that is identified individually as a significant part of that Heritage Grove shall be considered a Heritage Tree. The designation of a Heritage Tree and/or Heritage Grove on private property requires the written consent of the private property owner in a form deemed sufficient by the City Attorney.*

3.2.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a biological impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if it would:

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 U.S. 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, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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.

3.2.4. Analysis of Project Effects and Significance Determination

Impact 3.2-1: 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 U.S. Fish and Wildlife Service.

No species identified as a candidate, sensitive, or special-status species were observed on-site during the 2021 Biological Survey and none would be expected to occur. No habitat or hydrological regime exists on site that could support any candidate, sensitive, or special-status species. The potential for candidate, sensitive, or special-status species to occur within the Project site ranges from "none" to "low", because no appropriate habitat or hydrological regime exists on-site capable of supporting any potential sensitive wildlife species (Blue Consulting, 2024; Appendix C-1). Project related impacts to sensitive habitat are presented on **Table 3.2-3**.

TABLE 3.2-3. HABITAT IMPACTS AND MITIGATION REQUIREMENTS

Habitat Type	Acreage	Impacts (acreage)	Mitigation Ratio	Mitigation Acreage
Disturbed Habitat (urban)	4.726	4.726	None	0.00

TABLE 3.2-3. HABITAT IMPACTS AND MITIGATION REQUIREMENTS

Habitat Type	Acreage	Impacts (acreage)	Mitigation Ratio	Mitigation Acreage
Developed (paved/developed area)	1.92	1.92	None	0.00
TOTAL	**6.646**	**6.646**		**0.0**

Source: BLUE Consulting Group, 2024 (Appendix C-1).

Raptors have historically been observed in the area and the numerous mature ornamental trees on-site can support raptor nesting. Raptor foraging may also occur within this area. However, as the Project site and surrounding area is currently and historically utilized by human activity and the loss of this area does not constitute a significant habitat impact or loss of significant raptor foraging area.

The ornamental landscape trees on the site also have the potential to provide nesting habitat for birds protected under the Migratory Bird Treaty Act. Construction impacts on nesting birds protected under the California Fish and Game Code and the Migratory Bird Treaty Act could be potentially significant and mitigation would be required.

Construction activities for the Project should be conducted outside of the bird breeding season (generally February 1 through August 31; January 1 for raptors). If activities associated with vegetation/tree removal, clearing, grubbing, demolition, grading, staging or other construction activities are planned to occur during the bird nesting/breeding season. Mitigation Measure BIO-1 (MM BIO-1) has been incorporated into the Project which requires a pre-construction survey of potential nesting habitat be conducted if initial grading and vegetation removal activities must occur within the general bird breeding season for migratory birds and raptors (January 15 and September 15). The purpose of this survey is to determine the presence or absence of nesting birds or active nests belonging to migratory birds and raptors within the proposed area of disturbance plus a 250 to 500-foot buffer, which are protected under the MBTA and California FGC.

Overall, the Project would have no impact, 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. Direct impacts on such species would be less than significant. Potential impacts to raptors, nesting birds and migratory birds would be reduced to below a level of significant with implementation of MM BIO-1.

Impact 3.2-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

As shown on **Table 3.2-3**, the Project site only contains urban disturbed and developed habitats. No native or natural habitats exist on the Project site. The site is surrounded by various development, mainly single-family residences and road infrastructure. The Project site is developed and disturbed

and has been intensely utilized as an orchard, single family residential and greenhouse uses over several decades. No riparian or other sensitive natural communities exist on the Project site or in the vicinity. The Project site is located in the City of Encinitas draft Subarea Plan area, but not within any soft or hard line focused planning areas. The Project would not directly impact sensitive habitat or wetland habitat. Impacts would be less than significant and no mitigation is required.

Impact 3.2-3: 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.

The Project would not 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. As previously noted, the Project site is surrounded by various development and is developed and disturbed. The Project site is not within an existing recognized habitat corridor.

A pre-construction survey of potential nesting habitat shall be required by MM BIO-1, if initial grading and vegetation removal activities must occur with the general bird breeding season for migratory birds and raptors (January 15 and September 15), to confirm the absence of active nests belonging to migratory birds and raptors, which are protected under the MBTA and California FGC.

MM BIO-1 would ensure that active bird nests are not impacted during construction activity. The operation of the Project would not result in substantial, permanent impacts on wildlife movement, wildlife corridors, or wildlife nursery sites. There are no known migratory fish species that would be impacted by the Project. Overall, impacts under this criterion would be less than significant and no mitigation is required.

Impact 3.2-4: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

No wetlands were encountered on the Project site during the 2020 biological site survey. As discussed under Impact 3.2-2, the Project site only contains urban disturbed and developed habitats and no native or natural habitat exists on-site. Overall, impacts under this criterion would be less than significant and no mitigation is required.

Impact 3.2-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Implementation of the proposed Project would not conflict with the Resource Management Element (RME) of the General Plan. Those goals and policies that are applicable to the Project are aimed at preserving, protecting, and managing natural resources such as mature trees, sensitive habitats and

wildlife corridors. The RME also includes policies to improve water quality and to encourage the use of natural and drought tolerant landscaping.

Regulated Trees

The planting, maintenance, preservation, 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), the City's Urban Forest Management Program and Chapter 15.02 of the City's Municipal Code. As stated under RME Policy 3.1, mature trees of community significance cannot be removed without City authorization. Policy 3.2 states that mature trees shall not be removed or disturbed to provide right-of-way improvements if such improvements can be deferred, redesigned, or eliminated. Policy 3.6 supports the maintenance, to the extent possible, of significant mature trees and their incorporation into a project's design. Grading and the use of native plant species in landscaping plans for new residential development are regulated by Resource Management Element Policies 9.6, 9.8 and13.5.

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 (i.e., trees in City rights-of-way, parks, beaches, recreational trails and on City owned properties), Heritage Trees, and trees that are predesignated to be preserved. City Trees are those within the City's public rights-of-way, parks, or other public places maintained by the City. Heritage Trees, as defined in the Urban Tree Ordinance (EMC Chapter 15.02.020, as amended) means a tree or group of trees of community significance designated by the City.

As previously discussed, of the 173 trees surveyed on the Project site (On-Site Trees), 16 dead [(6)] trees, 127 mature trees and 30 immature trees were recorded. Similarly, of the 27 trees surveyed along the Project site boundary (Off-Site Trees), 27 mature trees and 3 immature trees were recorded (**Table 3.3-2**). Three (3) of the Off-Site Trees are located within the public right-of-way of Melba Road (Tree Nos. x14, x15 and x16) and are thus considered "City Trees".

None of the on-or off-site trees surveyed were determined to be high value, rare, or possess Heritage Tree status (Wisniewski & Associates, 2024a; Appendix C-2). However, in August 2022, the Planning Commission designated an existing tree located east of the Project site within the Melba Road ROW (adjacent to 1250 Melba Road) as a Heritage Tree (Tree No. 12158ETREE; Tree Survey Report No. x14; Heritage Tree HTREE-004968-0201).

Additionally, on September 7, 2023, the Planning Commission approved the designation of five Torrey Pine trees (Pinus torreyana), located at 1000 Oceanic Drive (12139ETREE and 12140ETREE), 1202 Melba Road (12145ETREE and 12143ETREE), and 1250 Melba Road

[6] Trees with 90% dead branches and/or trees that had completely succumbed to insects, pathogens, or nutritional deficiencies.

(12159ETREE) as a Heritage Grove (Resolution No. PC-2023-17). This grove included two (2) Off-Site Trees included in the Torrey Crest *Tree Survey Report*, namely Tree Nos. x15 and x16.

Tree Retention

The Project consists of the development of 30 for-sale single family dwelling units, as well as improvements to pedestrian facilities along the project frontage on Melba Road in accordance with City Public Road Standards. Specifically the Project proposes to dedicate approximately ten (10) feet of additional right-of-way to facilitate improvements to the existing sidewalk (**Figure 2-6, Melba Road Improvements**). This dedication would widen the Melba Road right-of-way (ROW) along the project frontage to 50 feet to facilitate the required widening and improvement of Melba Road in compliance with City of Encinitas Public Roadway Standards for a Residential/Neighborhood street. It also facilitates the realignment and replacement of a five (5) foot asphalt/concrete curb, gutter, sidewalk and two ADA-compliant curb ramps on either side of the new private road.

As shown on **Figure 2-6**, three (3) existing mature Torrey Pine trees and one Coast Live Oak are located within the proposed Melba Road ROW and sidewalk area; specifically Tree Nos. 106 [7], 107, 108 and 109. Removal of these trees is unavoidable in order to improve Melba Road to City standards. The Project does, however, propose to retain the Torrey Pine tree (Tree No. 119) located west of existing Lot 1 (Proposed Lot C).

Resource Management Element policies 3.2 and 4.11 address the issue of mature trees along the public right-of-way, specifying that mature trees that contribute to views along the right-of-way should be preserved whenever possible. However, the City's public road standards dictate that Melba Road should be upgraded to current standards as new development occurs. Upgrading the right-of-way and project frontage along Melba Road to meet the City's road standards would require the removal of the existing mature trees along Melba Road to allow for the completion of curb, gutter, and sidewalk improvements.

Additionally, 28 of the 30 off-site trees, including City trees and Heritage Trees x14, x15 and x16 would be retained. All off-site trees to be retained will be protected during construction. he retention and protection of Torrey Pine tree (Tree No. 119) during construction, consistent with the Tree Survey's recommendations, is included in the Project. Mitigation Measure **MM BIO-2**, which requires the preparation and implementation of a Tree Protection Plan (TPP), for those off-site trees to be retained has been incorporated into the Project. The TPP will specify how each tree will be protected and maintained during construction and will ensure consistency with the UFMP. A TPP will also be prepared for Tree No. 119 as part of the proposed Project. The Tree Survey's protection recommendations are summarized on **Table 3.2-5**.

[7] Tree Nos. identified in the Torrey Crest Tree Survey Report (Wisniewski & Associates, 2024; Appendix C-2).

Tree Removal and Replacement

Project-related tree removal is summarized on **Table 3.2-4**. As shown on **Table 3.2-4**, development of the Project would remove all existing on-site ornamental landscaping, with the exception of the Torrey Pine Tree No. 119 noted above. None of the on-site trees are protected, therefore a tree removal permit is not required. As shown on **Table 3.2-4**, all 16 dead trees and 123 mature on-site trees (124 Mature Trees less 1 Mature Tree to be retained = 123 Mature Trees) would be removed. Consistent with Goal 7.1 of the CAP, all mature trees that would be removed would be replaced with 24-inch box containers 15-gallon trees at a minimum 1 to 1 ratio. The Project Landscape Plan includes native plant species, , shown on **Table 2-3**, consistent with Resource Management Element Policies 9.6 and 13.5. Dead trees and immature trees would not be replaced. The Project proposes to replace the 123 mature trees with 127 mature trees thereby exceeding the 1:1 replacement ratio.

TABLE 3.2-4. PROPOSED TREE REMOVAL AND RETENTION

Tree Condition				Protection Status			Proposed Retention/Replacement		
Dead	**Immature Tree**	**Mature Tree [a]**	**Total**	**City Tree [b]**	**Heritage Tree [c]**	**Non-Protected Trees [d]**	**Trees To be Retained**	**Mature Trees To Be Removed [e]**	**Total Replaced Trees**
On-Site Trees									
16	33	124	**173**	0	0	173	1 (Tree No. 119)	123	127
Off-Site Trees [a]									
0	3	27	**30**	3 [g] [h] [i]	3 [g] [h] [i]	27	28	2 (Tree Nos. x26 & x30)	3

Notes:

(a) Any tree with 8-in. trunk or greater.

(b) Any tree growing within a City street right-of-way, on City property, or within City easements.

(c) Any tree designated by the process outlined in Section 9.00 - Urban Forest Management Administrative Manual of Procedures.

(d) Equal to Total trees less City or Heritage Trees

(e) Equal to Mature trees less Retained Trees

(f) Off- Site Tree = trees located along, or overhanging the Project site boundary.

(g) Heritage Tree No. HTREE-006065-2023.

(h) Heritage Tree No. HTREE-006067-2023.

(i) Heritage Tree No. HTREE-004968-2021.

Source: Wisniewski & Associates, 2024 (Appendix C-2) and Planning Commission Resolution PC-2022-16.

The Resource Management Element requires that a project's brush clearing, grading, and landscaping be designed as detailed in the City Zoning Code regulations. Proposed landscaping would consist of non-invasive, drought tolerant native plant materials that comply with Section 7 of the City of Encinitas Design Guidelines, as shown on **Figure 2-8 (Conceptual Landscape Plan**). The Project would not conflict with any local policies or ordinances protecting biological resources and impacts under this criterion would be less than significant.

With the exception of the Torrey Pine tree No. 119, the Project proposes to remove all on site landscaping and replace the 119 mature on-site trees with 127 trees, thereby exceeding a 1:1 ratio, using non-invasive, drought tolerant native plant materials that comply with Section 7 of the City of Encinitas Design Guidelines, as shown on **Figure 2-8** (Conceptual Landscape Plan).

With regulatory compliance, the replacement of all mature trees that would be removed at a 1:1 ratio, the protection and preservation of the on-site mature tree that would be retained, and the implementation of Mitigation Measure BIO-2, 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 considered less than significant.

Impact 3.2-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The Project would not result in direct impacts on biological resources within the designated MHCP preserve. Therefore, the majority of MHCP conservation policies do not apply to the proposed Project.

Although not adopted, the City's Draft Subarea Plan provides adjacency guidelines for development next to designated focused planning areas. These guidelines are intended to implement the MHCP's preserve management policies by ensuring minimal development impacts to biological resources within the MHCP's focused planning area (FPA). The adjacency guidelines were intended to be addressed during the planning stages of new development and include measures for addressing development effects related to drainage and toxics, erosion and sedimentation, lighting, noise, barriers, landscaping, and fire/brush management guidelines.

The Project is not located within or adjacent to any soft or hard line focused planning areas. The FPA adjacency guidelines do not apply to the proposed Project. Therefore, the Project would not conflict with provisions of an adopted habitat conservation Plan, natural community conservation plan or other approved local, regional or state conservation plan. Impacts would be less than significant and no mitigation is required.

3.2.5. Mitigation Measure(s)

The following mitigation measures would reduce impacts to below a level of significance.

MM BIO-1: Pre-Construction General Nesting Bird Survey

Construction activities for the Project should commence outside of the bird breeding season (generally February 1 through August 31; January 1 for raptors). If activities associated with vegetation/tree removal, clearing, grubbing, demolition, grading, staging or other construction activities are planned to occur during the bird nesting/breeding season, the

Applicant shall retain a qualified biologist to conduct a bird nesting survey no more than 72-hours prior to commencement of the construction activities to determine presence or absence of nesting birds or active nests within the proposed area of disturbance plus a 500-foot buffer and a 250-foot buffer for non-listed bird species. Inaccessible parts of the survey area shall be scanned using binoculars to ensure 100 percent visual coverage. The qualified biologist shall be familiar with the identification of bird species known to occur in southern California communities.

If no nesting birds or active nests are found, the Applicant shall submit the results of the Pre-Construction survey to the Development Services Department and wildlife agencies for review and approval prior to initiating any construction activities and no further mitigation would be required.

If active nests (those containing eggs, nestlings, or associated with dependent fledglings) of bird species covered by the Migratory Bird Treaty Act are detected within the proposed area of disturbance during the 10-day preconstruction survey:

- Construction activities shall stay outside a 250-foot avoidance buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. A biological monitor shall delineate the boundaries of an avoidance buffer area with (highly visible construction fencing or other exclusionary material that would inhibit entry by personnel or equipment into the buffer zone) and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activity. Once the young have fledged and the qualified biologist has determined the nest is inactive, normal construction activities can occur.
- The biologist and Project Applicant shall postpone construction activity within the buffer area(s) and contact the wildlife agencies and the City's Development Services Department to discuss: 1) the best approach to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), and 2) a monitoring program acceptable to the wildlife agencies. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program.
- Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies.

- No project activity shall occur inside an avoidance buffer until the biologist determines that the nest is no longer active.

Reporting. Within 30 days of the completion of the monitoring efforts, the Project Applicant shall submit a Final Bird Survey Monitoring Report prepared by the project biologist to the wildlife agencies and City's Development Services Department. The report shall include documentation of all bird survey, monitoring activities, coordination efforts with the wildlife agencies, as-built construction drawings with an overlay of any active nests in the survey areas, photographs of habitat areas during pre-construction and post-construction conditions, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance was achieved.

Timing/Implementation:	*Prior to grading permit issuance, during vegetation/tree removal, clearing, grubbing, demolition, grading, staging or other construction activities, and upon completion of monitoring activities.* *Report documenting pre-construction survey results shall be prepared within 30 days of the completion of the monitoring efforts.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

MM BIO-2: Tree Protection Plan for Off-site Mature Trees to be Retained

Prior to grading or building permit issuance, a Tree Protection Plan for Off-Site Mature Trees to be retained shall be prepared by a certified arborist for review and approval by the City Arborist. The tree protection plan shall incorporate the recommendations of the Torrey Crest *Tree Survey* (Wisnieski & Associates, 2024), summarized on **Table 3.2-5** and include the following:

1. Verification of Tree Protection

The Project Arborist shall verify, in writing, that all preconstruction conditions have been met (pruning and tree protection fencing) and are in place. Written verification must be submitted to and approved by the Planning Department prior to demolition, grading or building permit issuance.

Prior to the installation of the tree protective fencing, the pruning of trees to be retained shall be completed. After the pruning work is completed, spread organic

wood chip mulch to a depth of three inches inside the TPZ. Keep the mulch at least two-feet away from the trunks of the trees and do not allow it to cover the root collars. Use wood chips from the tree pruning and tree removals.

2. Pre-Construction Meeting

The demolition, grading and underground contractors, construction superintendent and City planning representative shall meet with the Project Arborist at the site prior to beginning work to review procedures, tree protection measures and establish haul routes, staging areas, contacts, and watering requirements.

The meeting shall be held prior to the start of any construction work. A proposed work schedule and co-ordination for tree pruning and removal, tree protection fencing, and spreading wood chips shall be discussed.

3. Protective Tree Fencing for Protected Trees

Fenced enclosures shall be erected around trees to be protected to achieve three primary goals: (1) to keep the foliage crowns and branching structure clear from contact by equipment, materials and activities; (2) to preserve roots and soil conditions in an intact and non-compacted state and; (3) to identify the tree protection zone (TPZ) in which no soil disturbance is permitted and activities are restricted, unless otherwise approved by the Project Arborist.

The TPZ fencing shall be six-foot high chain link fencing. The fence shall remain in place for the life of the Project or until final improvement work in the area is required, usually near the end of the Project. The Project Arborist must be consulted for approval before the fence is removed.

4. Tree Protection Zone (TPZ)

Each tree to be retained shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots. The TPZ shall be shown on all site plans for the Project. Unless otherwise specified, the protective fencing shall serve as the TPZ.

5. Tree Pruning and Removal

Prior to the commencement of construction and/or land disturbance or vegetation removal activities , all trees to be protected and preserved shall be pruned by crown cleaning to remove all dead, dying, diseased and crossing branches. Other specific trees may require that branches be pruned clear from future structures or to allow for equipment access.

All tree work shall be done by a certified arborist or by a certified tree worker under the full time supervision of a certified arborist. All pruning work shall be performed in accordance with the current published American National Standard for Pruning, American National Standard for Arboricultural Operations – Safety Requirements and Best Management Practices - Tree Pruning. If possible, the chipped tree material shall be stock piled on site for use as the organic mulch in the TPZ.

6. Trenching and Excavation near Protected Trees

The Construction Contractor shall notify the Project Arborist a minimum of 48 hours in advance of any activity in the TPZ so that the Project Arborist can arrange to be on site and observe the work.

7. Root Severance

Roots that are encountered shall be cut to sound wood by sharp pruning implements designed for tree pruning work.

8. Monthly Inspection Reports

During the term of project construction , monthly inspections and reports for the protected trees specifying the current conditions, any change in condition, recommended actions and to verify that the required tree protection is being maintained, shall be performed by the Project Arborist and emailed to the designated Project Planner.

9. Irrigation and Maintenance

It is expected that the adjacent property owners that share a boundary line tree, or have a tree that over hangs the Project property line, would continue to irrigate and maintain their side of the tree. Temporary irrigation systems would be used on the Project side of the protected trees to provide regular watering as required.

10. Mulch

Within the project's property boundaries, 2"-6" of mulch will be placed in the TPZ after installation of the TPZ fencing.

11. Reporting.

Prior to the commencement of demolition activities, the Project Arborist shall conduct an initial inspection of the project site and submit a written report to the City Arborist verifying that all pre-construction conditions have been met, including, but

not necessarily limited to the installation of tree fencing, erosion control, and implementation of prescribed pruning, etc.

Timing/Implementation:	*Tree Protection Plan shall be prepared and implemented prior to grading or building permit issuance and upon completion of tree protection monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

Level of Significance After Mitigation

With implementation of Mitigation Measures BIO-1 and BIO-2, no significant biological resource impacts would occur.

3.2.6. Cumulative Impact Analysis

In conjunction with other development projects in the Project vicinity (**Tables 2-6 and 2-7**), the proposed Project would not have a cumulative considerable impact on biological resources. As discussed above, the Project would have no direct or indirect impacts on sensitive biological species or their habitat (**Figure 3.2-2**). It would be consistent with applicable policies of the City's General Plan Resource Management Element, the City's Urban Forest Management Policy, the City's Municipal Tree Ordinance and the regional MHCP. The Project's impacts on biological resources would not be cumulatively considerable.

TABLE 3.2-5 SUMMARY OF PROTECTION RECOMMENDATIONS FOR OFF-SITE MATURE TREES

Tree No	Species	Location	Recommendation
Off-Site Trees			
x1	Eucalyptus	East of Lot 19	• Roots will be cut 3' from the property line to place a compacted key to stabilize the placement of a 6' high fill slope.
x2	Monterey Cypress	South of Lot 19	• The trapezoidal shape with similar dimensions as shown on the Preliminary Grading Plan will be the TPZ. • Roots may be cut outside of the TPZ
x3	Monterey Cypress	South of Cul de Sac	• The majority of the canopy is dead. A TPZ shall be established 7.5' from the center of the trunk that combines with the TPZ established for Tree No. x4. • Roots will need to be cut outside of the TPZ for a retaining wall near the Cul de Sac and other Cul de Sac improvements.
x4	Monterey Cypress	South of Cul de Sac	• Roots may be cut outside of the TPZ. Coordinate the TPZ fence location with the information for Tree No. x3.
x5	Monterey Cypress	East of Lot 20	• TPZ fencing will be placed 8'4" West of the center of the tree parallel with the property line, for 15' North and South of the trunk • TPZ fencing will be placed in same location as eastern side of existing garage and its concrete footing. • Project Arborist shall be present for removal of existing garage footing. • Project Arborist shall approve the cribbing plan for scaffolding in this TPZ for construction of the home on Lot 20. • Roots may be cut outside of the TPZ.
x6	Torrey Pine	East of Lots 25 and 26	• Undisturbed soil zone will be established and maintained at least 25'from center of tree. • TPZ fencing will be installed at this location. • No roots will be cut within 25' of the center of this tree
x7	Weeping Banyan	East of Lot 26	• No root cutting within 10' of the trunk. • Extend the TPZ fencing from Tree No. x6 to the South to include 10' from the center of this tree. • Where the tree hangs over the fence, prune by raising the crown to 8' vertical clearance and no more than 6' horizontal clearance over the fence
x8	Weeping Banyan	East of Lot 26	• No root cutting within 10' of the trunk. • TPZ fencing for Tree No. x7 is sufficient to protect this tree as well.

TABLE 3.2-5 SUMMARY OF PROTECTION RECOMMENDATIONS FOR OFF-SITE MATURE TREES

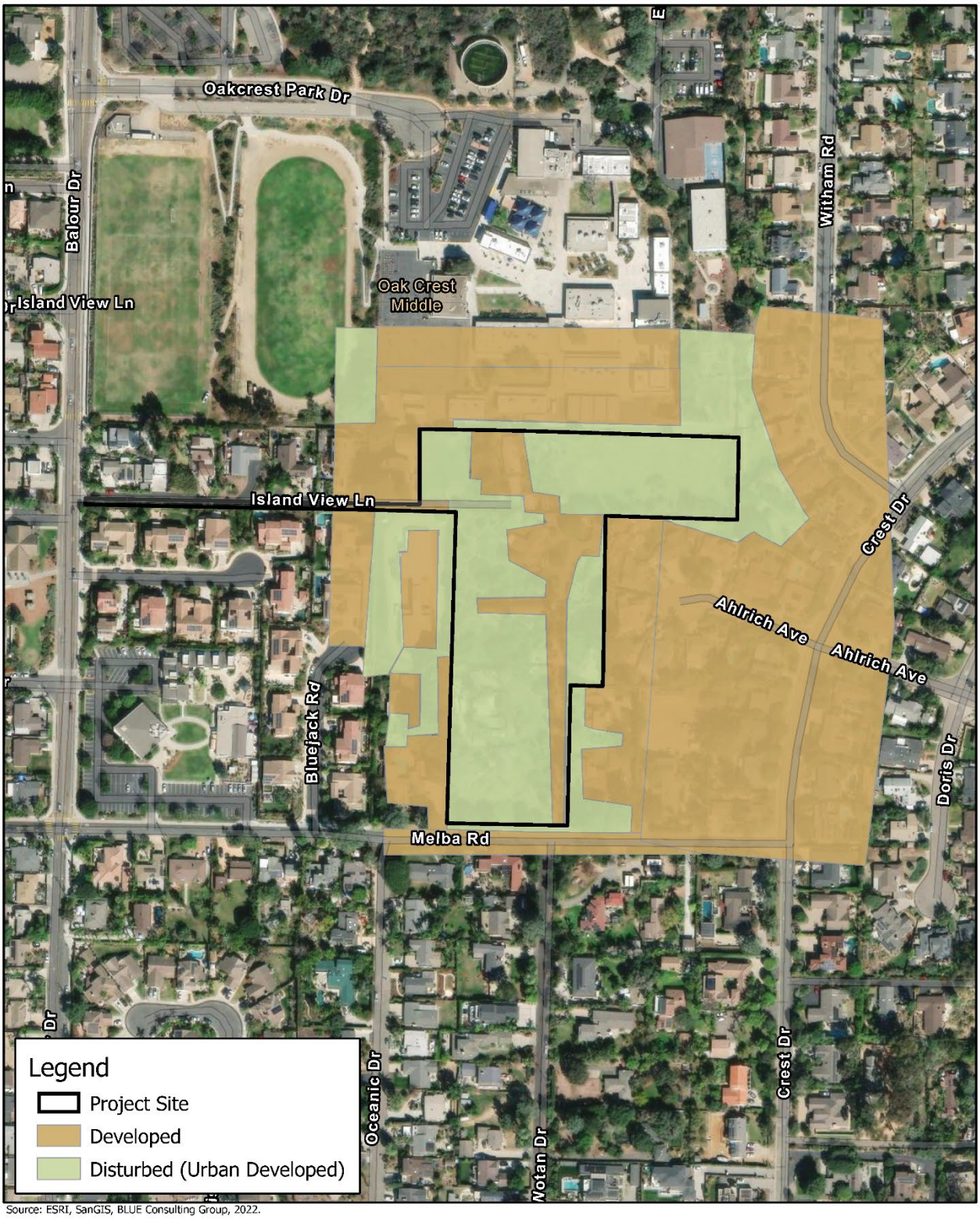
Tree No	Species	Location	Recommendation
x9	African Fern Pine	South or East of Lots 26 and 27	• Any roots growing past the property line to the North will need to be cut. • Roots growing to the West will need to be cut +/- 2'from the property line to allow the construction of a retaining wall located 4' from the property line. • The existing fences will act as TPZ fencing until construction fencing is installed.
x10	Triangle Palm	East of Lot 28	• Roots growing to the West will need to be cut +/- 2' from the property line to allow the construction of a retaining wall located 4' from the property line. • Existing fence will act as TPZ fencing until construction fencing is installed.
x11	Silk Oak	East of Lot 29	• Roots growing to the West will need to be cut +/- 2' from the property line to allow the construction of a retaining wall • located 4' from the property line. • Existing fence will act as TPZ fencing until construction fencing is installed.
x12	Silk Oak	East of Lot 29 and 30	• Roots growing to the West will be cut +/- 2' from the property line to allow construction of a retaining wall located 4' from the property line. • Existing fence will act as TPZ fencing until construction fencing is installed.
x13	Hollywood Juniper	East of Lot 30	• Roots growing to West will need to be cut +/- 2' from the property line to allow the construction of a retaining wall located 4' from the property line. • Existing fence will act as TPZ fencing until construction fencing is installed. Where the tree hangs over the fence, prune by raising the crown to 8' vertical clearance. • Use reduction pruning to limit branch length to 8' past the fence.
x14	Monterey Cypress	Off-site ROW	• Roots growing to the Northwest will need to be cut at the property line to allow the construction of a retaining wall. • TPZ fencing will not be required. The dripline of this tree is entirely off site.
x15	Torrey Pine	Off-site ROW	• Roots growing to the Northeast will need to be cut at the property line to allow the construction of a stormwater basin retaining wall. The dripline of this tree is entirely off site. • TPZ fencing is required at the property line.
x16	Torrey Pine	Off-site ROW	• Dripline of tree is entirely off site. • No TPZ fencing required.
x17	Torrey Pine	West of Lot 1	• Roots will be cut 16' to the North for the installation of a retaining wall on Lot 2.

TABLE 3.2-5 SUMMARY OF PROTECTION RECOMMENDATIONS FOR OFF-SITE MATURE TREES

Tree No	Species	Location	Recommendation
			• TPZ fence will be installed in a rectangular shape: 15' East of the trunk centerline to correspond to the natural grade area, 16' to the North, 20' to the South of Tree No. 119, and to the property line to the West. • Roots may be cut outside of the TPZ, except no roots are to be cut or damaged west of the TPZ. Coordinate the TPZ fence location with the information for Tree No. 119.
x18 to x20	Torrey Pine	West of Lots 1 and 2	• Roots will be cut for the construction of the retaining walls. • Construction fence at the property line will serve as the TPZ fencing
x21 to x25	Torrey Pine	West of Lots 2, 3, and 4	• Roots will be cut for the construction of the retaining walls. Construction fence at the property line will serve as the TPZ fencing
x27	Torrey Pine	West of Lot 11	• Roots will need to be cut 3' East from the property line in order to place a compacted key to stabilize the placement of a 5' high fill slope. • Existing fence will act as the TPZ fencing until the construction fence is installed.
x29	Hollywood Juniper	246 Witham Road	• Roots need to be cut in this area. Roots beyond 10' from the centerline of the tree may be cut in the presence of the project arborist. The stormwater drain shall be placed in an above grade planter that runs along the easement area.
x30	American Sweetgum	240 Witham Road	Replace at a 3:1 ratio on 240 Witham Road., with tree species determined by tree owner.

Note: Tree No. x26 will be removed, with tree owner's approval, to facilitate construction of a stormwater drain line and would not be replaced

Source: Wisniewski & Associates, 2023 (Appendix C-2).



Existing Vegetation and Habitats
Torrey Crest Residential Subdivision
Figure 3.2-1

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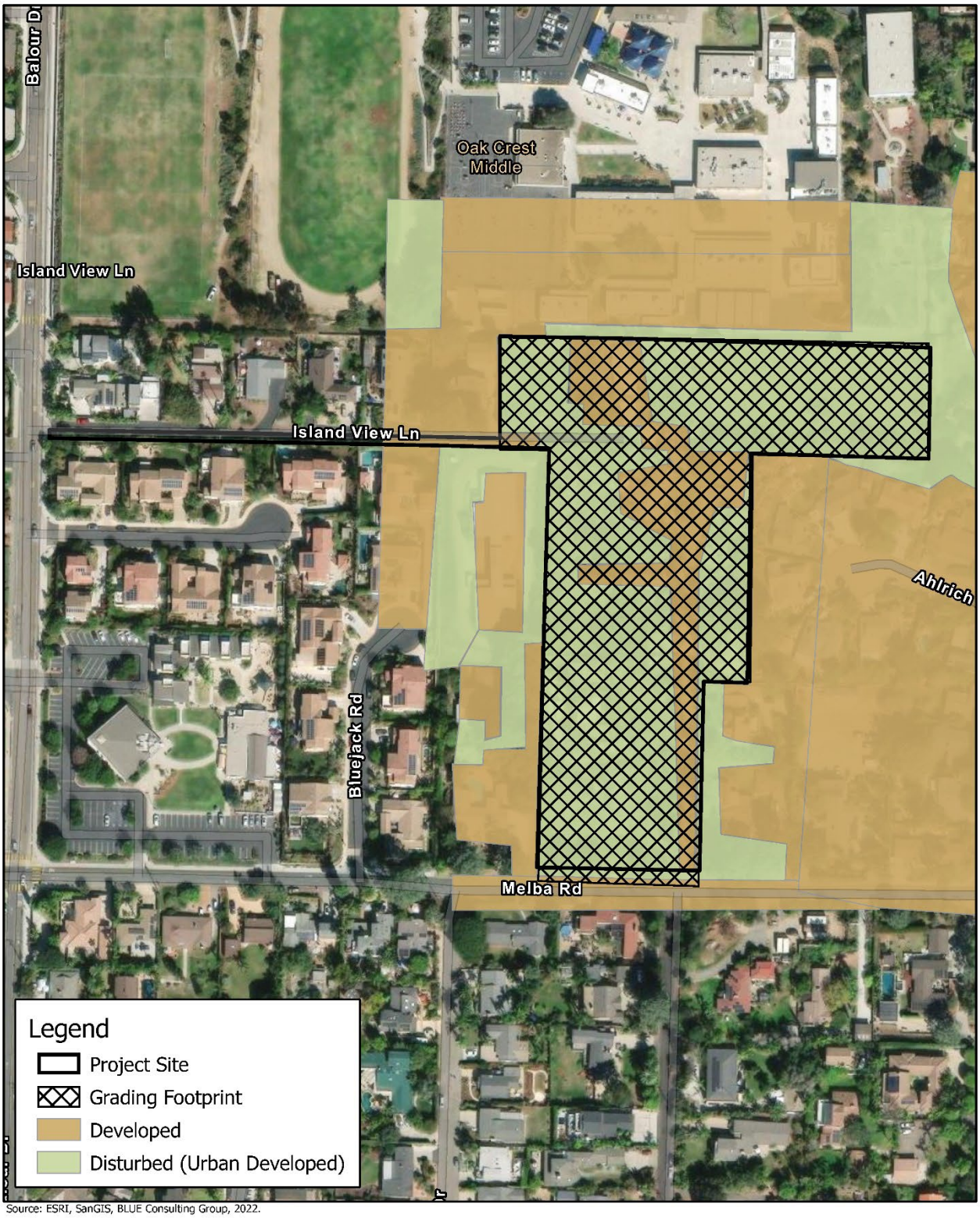

Proposed Biological Resource Impacts
Torrey Crest Residential Subdivision
Figure 3.2-2

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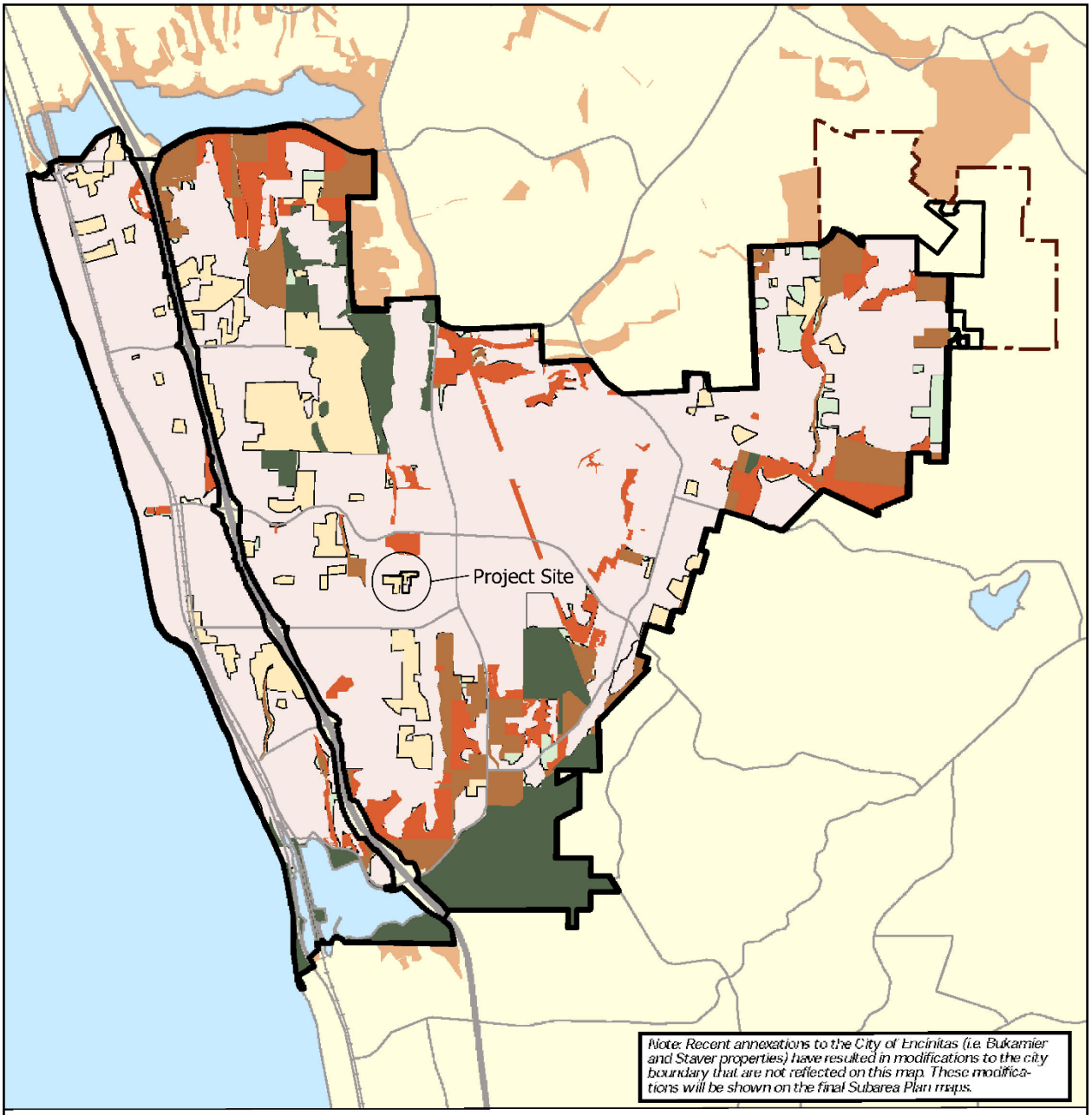
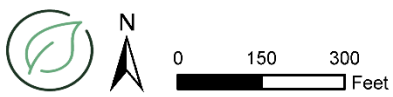


Source: Encinitas Subarea Plan, 2001



City of Encinitas Focused Planning Area
Torrey Crest Residential Subdivision
Figure 3.2-3

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3.3. Cultural Resources

This section addresses potential cultural resource impacts that may result from construction and/or operation of the Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions in the Project area, identifies applicable regulations, 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 *Cultural Resources Assessment Report* prepared by Cogstone Resource Management in September 2022 (Cogstone, 2022; Appendix D-1). The Cultural Resources Assessment Report was peer reviewed by Willis Environmental Planning and the City of Encinitas.

3.3.1. Existing Conditions

The Project area is located in western San Diego County, north of San Elijo Lagoon on the coastal plain. The coastal strip has a 130-kilometer-long shoreline and is comprised of raised Pleistocene marine and non-marine terraces ranging from five to 20 kilometers in width. Cretaceous, Tertiary, and Quaternary marine and non-marine sedimentary deposits define these terraces, which have been extensively modified by erosion. Drainages of varied catchment size are closely spaced along the coast, and lagoons have formed at the mouths of many of these rivers.

The area of western San Diego County has a very rich and extensive record of both prehistoric and historic activity. The cultures that have been identified in the general vicinity of the Project area include the Paleo Indian Period manifestation of the San Dieguito Complex, the Early Archaic Period represented by the La Jolla Complex, and the Late Prehistoric Period represented by the Kumeyaay Indians. Following the Hispanic intrusion into the region, the Presidio of San Diego, the Mission San Diego de Alcalá, and the Pueblo of San Diego were established.

Cultural Periods and Patterns

Six successive periods, each with distinctive cultural patterns, may be defined for the San Diego area extending back in time over a period of more than 12,000 years. They include: (1) Paleoindian/San Dieguito Complex (9,300 - 8,000 B.P.); (2) Early Archaic [La Jolla Complex/Encinitas Tradition] (8,600 - 1,300 B.P.); (3) Late Prehistoric (1,300 B.P. - Historic Contact); (4) Spanish (1776 – 1820); (5) Mexican Rancho Era (1821 – 1847); and (6) American (1846 – present). These periods are discussed in more detail in the *Cultural Resources Assessment Report for the Melba Road and Island View Lane Residential Project* (Cogstone, 2022) which is included as Appendix D-1.

Ethnography

The Project area is located within the historical territory of the Kumeyaay, which may have extended as far north as the San Luis Rey River. The Kumeyaay were historically referred to as the Diegueño after Mission San Diego de Alcalá was established. The Takic-speaking Luiseño and Cahuilla lived to the north, and other inhabitants who spoke a variety of distinct languages belonging to the Yuman language family were located to the east and to the south. The Kumeyaay can be divided into two regional groups separated by the San Diego River. The northern group is known as the Ipai and the southern group is known as the Tipai. The Project area lies within the traditional territory of the Ipai group of the Kumeyaay people just south of the traditional territory of the Luiseno. These groups are discussed in more detail in the *Cultural Resources Assessment Report for the Melba Road and Island View Lane Residential Project* (Cogstone, 2022) which is included as Appendix D-1.

Project Site

The Project site is located in the Old Encinitas neighborhood in the City of Encinitas within the County of San Diego. The Project area is entirely developed. At the time the Notice of Preparation was published, the Project site contained fifteen (15) built environment resources including 13 structures and two (2) roadways (constructed between 1938 and 1978) along with ornamental landscaping and utilities.

The earliest United States Geological Survey (USGS) topographic map shows no built environment located within the Project area. Also, there are no notable changes within the Project area between 1893 and 1904. As shown in the earliest known USDA Aerial Photograph of the Project area (1939), the majority of the Project area consists of fields and a homestead with several associated ancillary buildings. These buildings are within the boundaries of APNs 259-180-3300 (now 1230 Melba Road) and 259-180-1600 (now 1220 Melba Road). By 1939, Melba Road and what is assumed to be Island View Lane are present at their current locations. By 1947, another homestead with one or two ancillary buildings appears within either APN 259-180-1000 or 259-180-0900. By 1953, the single-family residence at 1240 Melba Road is present and what is now Wotan Drive is realigned to much of its current configuration. In addition, a long rectangular building (assumed to be a single-family residence) and associated ancillary building can be seen in APNs 259-181-0400 and 259-181-0300 (both APNs are associated with 1190 Island View Lane). By 1964, the single-family residence at APN 259-180-1600 was expanded to its current configuration.

During the 1960s, there was substantial growth of trees and dense vegetation within the Project area which obscures much of the built environment in future aerial photographs. By 1978, there are two large rectangular structures within APNs 259-180-0900 and 259-180-1000. Also, during this time, the fields appear to be used for agricultural purposes. Between 1983 and 1984, another larger square structure (possibly a greenhouse) appears within APN 259-180-3300 (1230 Melba Road), and by 2002 the greenhouse located within APN 259-180-1000 can be seen. By 2003, the greenhouse within

APN 259-180-3300 can be seen at 1230 Melba Road while only one section of the circa 1978 greenhouse within APN 259-180-0900 remains.

Cultural Resource Inventory Results

Record Search

An archaeological records search of the California Historic Resources Inventory System (CHRIS) was conducted at the South Coastal Information Center (SCIC) on June 10, 2021. The record search provided information on all documented cultural resources and previous archaeological investigations with of the Project site . It included results from the National Register of Historic Places (NRHP), California Historical Landmarks, California Points of Historical Interest, and the California State Historic Resources Inventory.

A total of 26 previous cultural resources reports that address areas within a half-mile radius of the Project site were identified during the records search. Two of those studies included properties within the Project site. The previous cultural resource studies, listed on Table 1 of Appendix D-1, did not record any cultural resources within the Project; however a total of four (4) prehistoric archaeological resources have been previously documented within the half mile radius and are presented on **Table 3.3-1**. It should be noted that the previous cultural resource studies did not evaluate these four (4) resources' eligibility for listing to local, state or national register of historic places.

TABLE 3.3-1. PREVIOUSLY RECORDED CULTURAL RESOURCES IN PROJECT VICINITY

Primary No. (P-37)	Trinomial No. (CASDI)	Resource Type	Description	Year Recorded	Distance from Project Site (miles)	Status
004554	004554	Prehistoric Archaeological Site	2 loci of several hundred fire cracked cobbles, flakes, cores and hearthstones	1975	0.25 to 0.5	Unevaluated
004555	004555	Prehistoric Archaeological Site	Mano fragment, flakes, chione and pecten shell	1974	0.25 to 0.5	Unevaluated
004880	004880	Prehistoric Archaeological Site	Shell midden	1977	0.25 to 0.5	Unevaluated
013925	013902	Prehistoric Archaeological Site	Marine shell and lithic scatter with subsurface deposit	1995	0 to 0.25	Unevaluated

Source: Cogstone, 2022 (Appendix D-1).

In addition to the SCIC records search, a variety of other sources were consulted in June 2021 to obtain information regarding the cultural context of the Project area. These included the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), Built Environment Resource Directory, California Historical Landmarks , California Points of Historical Interest , and the Bureau of Land Management, General Land Office.

Sacred Lands File Results

A Sacred Lands File (SLF) search, requested from the Native American Heritage Commission on June 10, 2021, indicated that they do not have a record of Native American Sacred Lands or resources listed within the Project area. NAHC identified 22 tribes and Cogstone contacted those tribes and person listed in the NAHC on July 13, 2021, via United States Postal Service certified mail. Cogstone contacted those tribes and individuals who had not yet responded via electronic mail by July 27, 2021. The Jamul Indian Village, Rincon Band of Luiseño Indians, San Pasqual Band of Mission Indians, and the Viejas Band of Kumeyaay Indians have determined that the Project area is within their Traditional Use Area (TUA).

Encinitas Historical Society

On June 28 and July 9 2021, Cogstone sent a request for information to the Encinitas Historical Society (one by US mail and the other by email). On July 9, 2021, Cogstone Architectural Historian Ms. Lopez received a response from Carolyn R. Cope, President of the Encinitas Historical Society. Ms. Cope stated in her response, “The historical society knows of no significant cultural or paleontological issues related to this Project area” (Table 3 of Appendix D-1. Page 23).

Site Survey

An intensive pedestrian survey of the Project site was conducted by Cogstone on July 1, 2021. The area was highly disturbed due to its previous development. Some areas were not accessible due to dense overgrowth of plants and bushes.

The intensive cultural resources pedestrian survey consisted of 1-3 meter wide transects. Ground visibility within the Project area was generally poor (approximately 3-5 percent) due to the developed properties, landscape, and hardscape. Much of the area was covered in dry tall grass, weeds, pine trees, palm trees, eucalyptus trees, and decorative plants. Where visible, surficial sediments primarily consisted of yellowish-brown sandy silts. Much of the larger pebble to cobble sized gravel observed is most likely the result of importing decorative, road, and roof gravels into the area. No prehistoric cultural resources archaeological were found during the survey; however modern refuse was found.

The built environment resources survey identified and verified the location of all structures and buildings within the Project area aged 45 years or older (i.e., constructed prior to 1976). Once

identified, historic built environment resources were examined to ascertain if it is recommended eligible for listing as a historic resource at the local, state, or national level and if the original integrity of the resource remains intact. The seven aspects of integrity which are considered as part of a determination of eligibility include: location, design, setting, materials, feeling, workmanship, and association. A total of fifteen built environment resources, including one historic road and several types of structures, were documented. No prehistoric cultural resources were observed during the survey. As shown on **Table 3.3-2**, none of the built environment resources are considered eligible for listing in the California Register of Historic Resources (CRHR).

3.3.2. Regulatory Framework

Federal

National Historic Preservation Act

Federal regulations (36 Code of Federal Regulations [CFR] Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, in the National Register of Historic Places". Section 106 of the National Historic Preservation Act (NHPA) (Public Law 89-665; 80 Stat 915; U.S. Code [USC] 470, as amended) requires a federal agency with jurisdiction over a project to take into account the effect of the project on properties included in or eligible for listing on the National Register of Historic Places (NRHP), and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

According to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA – 36 CFR Part 800 – Protection of Historic Properties), a historic resource is listed or considered eligible for listing on the NRHP if it meets one of the following criteria:

Criterion A: the resource is associated with events that have made a contribution to the broad pattern of our history;

Criterion B: the resource is associated with the lives of people significant in our past;

Criterion C: the resource embodies the distinct characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

Criterion D: the resource has yielded, or is likely to yield, information important in prehistory or history.

The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

TABLE 3.3-2. HISTORIC BUILT ENVIRONMENT RESOURCES

Address	APN(s)	Resource Description	Ancillary Buildings	Year Built	Historical Significance (NRHP and CRHR Eligibility Recommendation) [a]
Structures					
1190 Island View Lane	259-181-03-00 259-181-04-00	• Single Family Residence	• Garage • Shed/Ancillar Building	1947	**Recommended Not Eligible**. The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.
1220 Melba Road	259-180-16-00	• Single Family Residence	• Garage	1939	**Recommended Not Eligible**. The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.
1230 Melba Road	259-180-33-00	• Single Family Residence	• None	1938	**Recommended Not Eligible**. The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.
1230A Melba Road	259-180-33-00	• Single Family Residence	• None	1963	**Recommended Not Eligible**. The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.
1240 and 1234 Melba Road	259-180-09-00 259-180-10-00	• Single Family Residence and Guest House	• Garage, Shed • 2 Personal Greenhouses • Admin. Bldg., Driveway	1953	**Recommended Not Eligible**. The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.
Roadway					
Island View Lane	259-181-03-00	• Roadway - paved single lane	None	1947 [b]	**Recommended Not Eligible.** The Resource does not meet Criteria A-D for listing in the NRHP nor Criteria 1-4 for listing in the CRHR.

Notes: (a) NRHP = National Register of Historic Places. CRHR = California Register of Historic Places. (b) Date roadway first appears in USDA Aerial Photo.
Source: Cogstone, 2022 (Appendix D-1).

Native American Graves Protection and Repatriation Act (1990); Title 25, United States Code Section 3001, et seq.

The statute defines "cultural items", "sacred objects", and "objects of cultural patrimony"; establishes an ownership hierarchy; provides for review; allows excavation of human remains, but stipulates return of the remains according to ownership; sets penalties; calls for inventories; and provides for the return of specified cultural items.

State

California Environmental Quality Act

For the purposes of CEQA, a significant historical resource is one that qualifies for the CRHR or is listed in a local historic register or deemed significant in an historical resources survey, as provided under Section 5025.1(g) of the Public Resources Code (PRC). A resource that is not listed in or is not determined to be eligible for listing in the CRHR, is not included in a local register or historic resources or is not deemed significant in a historical resources survey may nonetheless be deemed significant by a CEQA lead agency.

CEQA Section 21083.2(g) defines the criteria for determining the significance of archaeological resources. These criteria include definitions for a "unique" resource, based on its:

- Containing information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- Having a special and particular quality such as being the oldest or best available example of its type; and/or
- Being directly associated with a scientifically recognized important prehistoric or historic event or person.

Assembly Bill 52 (AB52)

On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52, which created the new category of "tribal cultural resources" that must be considered under CEQA. It applies to all projects that file a notice of preparation (NOP) or notice of negative declaration or mitigated negative declaration on or after July 1, 2015. AB 52 requires lead agencies to provide notice to and begin consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a Project if that tribe has requested, in writing, to be kept informed of projects by the lead agency prior to the determination whether a negative declaration, mitigated negative declaration, or environmental impact report would be prepared. If a tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. The bill also specifies mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources.

California Health and Safety Code

California Health and Safety Code Section 7050.5 regulates the procedure in the event of the discovery of Native American human remains. Pursuant to PRC Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are determined to be Native American, the coroner is required to contact the Native American Heritage Commission. The commission is responsible for contacting the most likely Native American descendent, who would consult with the local agency regarding how to proceed with the remains. According to CEQA Guidelines Section 15064.5, Native American human remains are a significant resource.

California Register of Historical Resources

Under the provisions of CEQA, including the CEQA Statutes (Public Resources Code [PRC] §§ 21083.2 and 21084.1), the CEQA Guidelines (Title 14 California Code of Regulations [CCR], § 15064.5), and PRC § 5024.1 (Title 14 CCR § 4850 et seq.), properties expected to be directly or indirectly affected by a proposed project must be evaluated for CRHR eligibility (PRC § 5024.1).

The purpose of the California Register of Historical Resources (CRHR) is to maintain listings of the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change. The term historical resources includes a resource listed in or determined to be eligible for listing in the CRHR; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CCR § 15064.5[a]). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP). The California Office of Historic Preservation regards "any physical evidence of human activities over 45 years old" as meriting recordation and evaluation.

A cultural resource is considered "historically significant" under CEQA if the resource meets one or more of the criteria for listing on the CRHR. The CRHR was designed to be used by state and local agencies, private groups, and citizens to identify existing cultural resources within the state and to indicate which of those resources should be protected, to the extent prudent and feasible, from substantial adverse change. The following criteria, which are similar to those for listing on the National Register of Historic Places, have been established for the California Register of Historical Resources. A resource is considered significant if it:

Criterion 1: is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

Criterion 2: is associated with the lives of persons important in our past;

Criterion 3: embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

Criterion 4: has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the above criteria, historical resources eligible for listing in the California Register must retain enough of their historic character or appearance to be able to convey the reasons for their significance. Such integrity is evaluated in regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

Under CEQA, if an archeological site is not a historical resource but meets the definition of a "unique archeological resource" as defined in PRC §21083.2, then it should be treated in accordance with the provisions of that section. A unique archaeological resource is defined as follows:

> An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> - Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
> - Has a special and particular quality, such as being the oldest of its type or the best available example of its type
> - Is directly associated with a scientifically recognized important prehistoric or historic event or person

Resources that neither meet any of these criteria for listing in the CRHR nor qualify as a "unique archaeological resource" under CEQA PRC § 21083.2 are viewed as not significant. Under CEQA, "A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects" (PRC § 21083.2[h]).

Impacts that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. Impacts to historical resources from a proposed project are thus considered significant if the project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource, which contributes to its significance; or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

Local

City of Encinitas General Plan

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant public service and facility goals and policies for the Project in effect on April 21, 2021 include:

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.
Policy 7.1:	Require that paleontological, historical and archaeological resources in the planning area are documented, preserved or salvaged if threatened by new development.
Policy 7.2:	Conduct a survey to identify historic structures and archaeological/cultural sites throughout the community and ensure that every action is taken to ensure their preservation.
Policy 7.3:	The City will pursue the development of a historic resources program to assist in the identification, preservation, and restoration of those buildings, structures and places within the City that have historic significance.

3.3.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a cultural resource impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if it would:

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

1) Cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines § 15064.5.

2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5.

3) Disturb any human remains, including those interred outside of formal cemeteries.

3.3.4. Analysis of Project Effects and Significance Determination

Impact 3.3-1: Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

Fifteen built environment resources are located within the Project site including 13 structures and two (2) roadways. In order to determine if the Project would impact historical resources under CEQA, all buildings, structures driveways and roadways over 45 years in age within the Project site were evaluated for historical significance and integrity in consideration of the NRHP and the CRHR (see Appendix D-1). The following discussion provides a detailed significance evaluation of the built environmental resources on the Project site.

1190 Island View Lane

The following evaluates the residence, garage and shed at 1190 Island View Lane and the Island View roadway.

Criterion A/1. Based on extensive background research including searching various newspapers and consultation with historic societies and local government agencies, the residence, garage, shed and roadway are not associated with events that have made a significant contribution to the broad patterns local or regional history. Therefore, the historic-aged built environmental resources at 1190 Island View Lane are recommended not eligible for listing under NRHP Criterion A or CRHR Criterion 1.

Criterion B/2. Following review of historic newspapers, associated deeds and other property records, neither the residence, garage or shed at1190 Island View Lane nor the roadway itself are associated with the lives of significant persons in our past. Therefore, the historic-aged built environmental resources at 1190 Island View Lane are recommended not eligible for listing under NRHP Criterion B or CRHR Criterion 2.

Criterion C/3. The architectural style of the single-family residence at 1190 Island View Lane is Ranch style with later additions which exhibit no architectural style. Overall, the building materials are in poor condition and in its current state, the residence is uninhabitable. Ranch Style is a very common architectural style throughout southern California and this residence is not an exemplary representation of that style. The architectural style of the garage exhibits some Ranch style elements

with a later concrete addition which exhibits no architectural style. The shed also exhibits no architectural style. Island View Lane is a standard one-lane road and is not an exemplary representation of a particular style. Therefore, the historic-aged built environmental resources at 1190 Island View Lane are recommended not eligible for listing under NRHP Criterion C or CRHR Criterion 3.

Criterion D/4. Development of the historic-aged built environmental resources at 1190 Island View Lane do not appear to predate modern day trash services (predating could indicate historic refuge deposits) and following an intensive pedestrian survey of the area, it is unlikely for these resources to yield information important to history or prehistory. Therefore, the historic-aged built environmental resources at 1190 Island View Lane are recommended not eligible for listing under NRHP Criterion D or CRHR Criterion 4.

1220 Melba Road

The following evaluates the residence and garage at 1220 Melba Road.

Criterion A/1. Based upon extensive background research including searching various newspapers and consultation with historic societies and local government agencies, residence and garage at 1220 Melba Road are not associated with events that have made a significant contribution to the broad patterns of our history. Therefore, the historic-aged built environmental resources at 1220 Melba Road are recommended not eligible for listing under NRHP Criterion A or CRHR Criterion 1.

Criterion B/2. There are two particular individuals of note associated with 1220 Melba Road: Anton Van Amersfoort and Commander Leo C. Wilder.

Anton Amersfoort

A review of the Fidelity National Title preliminary report lists Mr. Anton Amersfoort as the owner of 1220 Melba Road (APN 259-180-16-00) in 1938. Mr. Amersfoort was an immigrant from the Netherlands and later a prominent avocado grower in Encinitas. A San Diego Botanic Garden Museum Guide states that "for 20 years, Mr. Amersfoort owned approximately one-half of the land (16.5 acres) which is now the San Diego Botanic Gardens." In addition, during his many years in Encinitas, Mr. Amersfoort owned at least 16 other properties in the area. The guide document for the San Diego Botanic Gardens entitled "Welcome to the Larabee House Museum at San Diego Botanic Garden" (Sandler, 2019) notes that Amersfoort purchased the Larabee House, which is now part of the San Diego Botanical Gardens, in 1923 and lived there until 1943. It further notes that in 1943, Mr. Amersfoort sold his house and the ranch land to Ruth Larabee who lived at the house until 1957. Following the sale of the house and property, Mr. Amersfoort and his wife, "lived up the street not far from the Larabees, and thus continued to be neighbors, along with the Paul Ecke and Donald Ingersoll families" (Cogstone, 2022, Appendix D-1.).

Commander Leo C. Wilder

In May of 1951, the home at 1220 Melba Road was listed for sale by "the owner" (owner unknown). In 1967, an article in News-Pilot stated the current resident at 1220 Melba Road was Commander Leo C. Wilder (age 72) (Cogstone, 2022; Appendix D-1). A World War II veteran, Commander Wilder was a Coast and Geodetic Survey officer on loan to the Army during the war. In addition to providing mapping services, the Coast and Geodetic Survey provided training for navigation, small-boat use, and amphibious landing techniques to service members. Commander Wilder served as head of boat operation instruction. Wilder and his wife resided at 1220 Melba Road since at least 1957 and were members of the California Calavo Growers Association. Wilder retired by 1957. As the property was put up for sale in 1951, it is presumed that the Wilders moved in sometime during or not long after. It is not known how long the Wilders remained at this location, however at some point between 1957 and 1983.

Following extensive research including assessor's parcel records, historical newspapers, online articles and publications, and consultation with the local historical society, it is clear that Mr. Amersfoort did own the land associated with 1220 Melba Road in 1938. However, based on various articles published by the San Diego Botanic Gardens, it is highly unlikely that Mr. Amersfoort resided at the single-family structure which was present on the property by 1938.This property was one of many owned by Mr. Amersfoort during his time in Encinitas. With regards to the property's landscape there is no evidence in the whole of the record to substantiate that any plantings currently found therein are associated with Mr. Amersfoort.

In addition, as it is not clear if the house was moved to this location or built on site, any direct association of the house's construction with Mr. Amersfoort remains uncertain.

Per Cogstone's research, 1220 Melba Road was previously occupied by Commander Leo C. Wilder who was a veteran of WWII. However, no evidence of special wartime citations or awards given to Wilder could be found which would elevate Wilder's service to an exemplary level required for Criteria B/2. In addition, Commander Wilder purchased the house sometime between 1951 and 1957, years after the conclusion of WWII in1945. Therefore, the house has no association with Commander Wilder's contributions to WWII as he did not reside there until after the war.

Therefore, due to a lack of information, this residence is recommended not eligible for listing under the NRHP Criterion B and the CRHR Criterion 2

Criterion C/3. The residence at 1220 Melba Road embodies no particular architectural style but does exhibit some Craftsman elements as seen with the roof overhang and exposed eaves. Despite the residences two notable features (wood shingle exterior and the sunroom at the south façade) it is not considered an exemplary representation of a particular architectural style, the work of a master architect, nor expresses high artistic values. The detached garage is not an exemplary representation of a particular architectural style, the work of a master architect, nor does it expresses high artistic

values. Therefore, the historic-aged built environmental resources at 1220 Melba Road are recommended not eligible for listing under NRHP Criterion C or CRHR Criterion 3.

Criterion 4. The development of 1220 Melba Road does not appear to predate modern day trash services (predating could indicate historic refuge deposits) and following an intensive pedestrian survey of the property it is unlikely for this residence to yield information important to history or prehistory. Therefore, this residence is recommended not eligible for listing under NRHP Criterion D or CRHR Criterion 4.

1230 and 1234 Melba Road

The following evaluates the residences at 1230 and 1230A Melba Road.

Criterion A/1. As a result of extensive background research including searching various newspapers and consultation with historic societies and local government agencies, residences at 1230 and 1230A Melba Road are not associated with events that have made a significant contribution to the broad patterns of our history. Therefore, the historic-aged built environmental resources at 1230 and 1230A Melba Road are not eligible for listing under NRHP Criterion A and CRHR Criterion 1.

Criterion B/2. Following review of historic newspapers, associated deeds and other property records, residences at 1230 and 1230A Melba Road are not associated with the lives of significant persons in our past. Therefore, the historic-aged built environmental resources at 1230 and 1230A Melba Road are recommended not eligible for listing under NRHP Criterion B or CRHR Criterion 2.

Criterion C/3. This residence at 1230 Melba Road embodies aspects of cottage Bungalow style architecture which includes its small size, gabled roof, and asymmetrical design. Although this residence is very well maintained, it is not an exemplary representation of Bungalow style architecture, nor does it represent the work of a master architect or express high artistic values. The residence at 1230A Melba Road does not represent a particular architectural style nor does it represent the work of a master or possess high artistic values. Therefore, the historic-aged built environmental resources at 1230 and 1230A Melba Road are recommended not eligible for listing under NRHP Criterion C or CRHR Criterion 3.

Criterial D/4. The development of 1230 and 1230A Melba Road do not appear to predate modern day trash services (predating could indicated historic refuge deposits) and following an intensive pedestrian survey of the property it is unlikely for this residence to yield information important to history or prehistory. Therefore, the historic-aged built environmental resources at 1230 and 1230A Melba Road are recommended not eligible for listing under NRHP Criterion D or CRHR Criterion 4.

1240 and 1234 Melba Road

The following evaluates the residence, guest house, garage, shed, small greenhouse administrative building and driveway at 1240 Melba Road and 1234 Melba Road. The large greenhouse was

constructed in 1984. Because this building is not 45 years or older it does not require further consideration under CEQA and its eligibility for listing to the NRHP and the CRHP was not evaluated.

Criterion A/1. Based on extensive background research regarding including searching various newspapers and consultation with historic societies and local government agencies, the historic-aged built environmental resources at 1240 and 1234 Melba Road are not associated with events that have made a significant contribution to the broad patterns of our history. Therefore, they are recommended not eligible for listing under NRHP Criterion A or CRHR Criterion 1.

Criterion B/2. Following review of historic newspapers, associated deeds and other property records, the historic-aged built environmental resources at 1240 and 1234 Melba Road were not found to be associated with the lives of significant persons in our past. Therefore, these resources are recommended not eligible for listing under NRHP Criterion B or CRHR Criterion 2.

Criterion C/3. The residence at 1240 Melba Road largely embodies Ranch style architecture which was commonly constructed from the 1930s to the mid-1970s; however it not an exemplary representation of Ranch style architecture, nor does it represent the work of a master architect or express high artistic values.

Neither the guesthouse, shed, garage, small greenhouse, or administration building represents any particular architectural style, nor do they exhibit high artistic values or respect the work of a master architect. The driveway is not an exemplary representation of a driveway/boulevard. Additionally, it does not represent high artistic values which would raise it to the level of excellence required for listing the on the NRHP or CRHR.

For these reasons, the built environmental resources at 1240 and 1234 Melba Road are recommended not eligible for listing under NRHP Criterion C or CRHR Criterion 3.

Criterion D/4. The development of the historic-aged built environmental resources at 1240 and 1234 Melba Road do not appear to predate modern day trash services (predating could indicate historic refuge deposits). Following an intensive pedestrian survey of the properties it is unlikely for these resources to yield information important to history or prehistory. Therefore, the historic-aged built environmental resources at 1240 and 1234 Melba Road are recommended not eligible for listing under NRHP Criterion D or CRHR Criterion 4.

Due to a lack of significance, the resources within this Project area are recommended not eligible for listing at the local, state, or national level. Demolition and renovations of the existing structures does not require any mitigation due to lack of significance. These structures are not a historical resource as defined in § 15064.5. There are no historic buildings, structures, rock outcroppings or other features on or in proximity to the site. Implementation of the Project would not cause a

substantial adverse change in the significance of a historical resource pursuant to § 15064.5 as none exist on the Project site. No significant impact would occur due to Project implementation.

Summary Finding. As summarized on **Table 3.3-2**, built environment resources on the Project site do not meet Criteria A/1, B/2, C/3 or D/4 and therefore are recommended as not eligible for listing in the California Register of Historic Places (CRHR) or the National Register of Historic Places (NRHP). Demolition of on-site structures and any impacts to Island View Lane would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. No impacts to a significant historical resource would occur. No mitigation is required.

Impact 3.4-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5.

An intensive pedestrian survey of the Project site was conducted by Cogstone on July 1, 2021. No evidence of an archaeological site was observed during the pedestrian survey and no significant cultural resources were identified. In addition, the CHRIS and SLF searches conducted for the Project indicate that no archaeological or tribal cultural resources have been previously recorded within the Project area. These negative findings along with a review of historic USDA aerial photographs indicate that the potential for subsurface prehistoric resource deposits is low. However, a significant impact to archaeological resources could occur from the various construction disturbances associated with the proposed Project. Implementation of mitigation measures **MM CUL-1** through **MM CUL-8** and conformance with applicable state regulations would address the recovery of known archaeological historical resources and the potential for encountering undiscovered cultural and/or tribal cultural resources.

Impact 3.4-3: Disturb any human remains, including those interred outside of formal cemeteries.

The potential for encountering human remains at the Project site is low. No known burial sites have been identified on the site or in the vicinity. With implementation of mitigation measures **MM CUL-1** through **MM CUL-8**, impacts would be less than significant.

3.3.5. Mitigation Measures

The following mitigation measures would reduce cultural resource impacts to below a level of significance:

MM CUL-1: Cultural Resources Construction Monitoring

Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground

disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in MM CUL-2 through MM CUL-8 below shall be undertaken by the Applicant and/or Owner.

Timing/Implementation:	*Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

MM CUL-2: Cultural Resource 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 TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure; grading or any other ground disturbing or altering activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related road improvements. Other tasks of the monitoring program shall include the following:

- 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. Ground disturbing

activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the Qualified Archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the Project site to avoid further disturbance of cultural resources.

- The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed Project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the Lead Agency under CEQA. If a data recovery is required, then the TCA tribe 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.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *City of Encinitas Development Services*

MM CUL-3 Pre-Excavation Agreement

Prior to the issuance of a Grading Permit, and subject to approval of terms by the City, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the TCA tribe. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor, and the Tribe for the protection and treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the proposed Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *City of Encinitas Development Services*

MM CUL-4 Retain Qualified Archaeologist and TCA Native American Monitor

Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City's Development Services Director, stating that a City-approved Qualified Archaeologist and a TCA Native American Monitor have been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement. A copy of the letter shall be included in the Grading Plan Submittals for the Grading Permit.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *City of Encinitas Development Services*

MM CUL-5 Prepare Controlled Grade Procedure

Prior to the issuance of a Grading Permit, and in order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American Monitor, and the Applicant or Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and TCA Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *City of Encinitas Development Services*

MM CUL-6 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.

Timing/Implementation:	*Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

MM CUL-7 Disposition of 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 TCA 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.

Timing/Implementation:	*Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

MM CUL-8 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.

Timing/Implementation:	*During grading and excavation activities, and upon completion of monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

Level of Significance After Mitigation

Implementation of mitigation measures **MM CUL-1** through **MM CUL-8** would reduce impacts to below a level of significance.

3.3.6. Cumulative Impact Analysis

The cumulative cultural resource impacts associated with the proposed Project include projects in the cumulative projects lists included in **Table 2-6 and Table 2-7** of this EIR. These potential cumulative projects would also involve ground disturbances and thus could disturb surface or buried archaeological resources. Without proper mitigation, the cumulative effects of these types of development projects on cultural resources could be significant.

Although no historical resources that meet the criteria for listing on the California Register of Historic Resources were identified within the boundaries of 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 resources within Project boundaries. Therefore, the proposed Project has the potential to incrementally contribute to the disturbance of previously unknown cultural resources.

The proposed Project would be required to implement mitigation measures **MM CUL-1** through **MM CUL-8** to reduce potential impacts to archaeological and historical resources to below a level of significance. Existing, approved, proposed, and other reasonably foreseeable projects with potentially significant impacts to archaeological and historical resources would be required to comply with federal, state, and local regulations and ordinances protecting cultural resources through implementation of similar mitigation measures. Therefore, with implementation of regulatory requirements and standard conditions of approval, and Mitigation Measures **MM CUL-1** through **MM CUL-8**, the proposed Project's contribution to impacts to cultural resources would not be cumulatively considerable.

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3.4. Geology and Soils

This section addresses potential geology and soil impacts that may result from construction and/or operation of the Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions on the Project site; identifies applicable regulations; 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 *Limited Geotechnical Investigation* and the *Off-Site Descending Slope Consultation* prepared by Geocon, Inc. (Geocon, 2022 and GeoCon 2023) and are included as Appendices E-1 and E-2, respectively. The Geotechnical Investigations were peer reviewed by Willis Environmental Planning and the City of Encinitas. Soil contamination at the Project site is addressed **in Section 3.5, Hazards and Hazardous Materials**, of this EIR.

3.4.1. Existing Conditions

Geologic Setting

Regional Geology

The Project site is located in the Peninsular Ranges geomorphic province. The province is bounded by the Transverse Ranges to the north, the San Jacinto Fault Zone on the east, the Pacific Ocean coastline on the west, and the Baja California on the south. The province is characterized by elongated northwest-trending mountain ridges separated by straight-sided sediment-filled valleys. The northwest trend is further reflected in the direction of the dominant geologic structural features of the province that are northwest to west-northwest trending folds and faults, such as the nearby Rose Canyon fault zone.

The Project site is within the coastal plain of San Diego County. The coastal plain is underlain by a thick sequence of relatively undisturbed and non-conformable sedimentary bedrock units that thicken to the west and range in age from Upper Cretaceous age through the Pleistocene age, which have been deposited on Cretaceous to Jurassic age igneous and volcanic bedrock. Geomorphically, the coastal plain is characterized by a series of twenty-one, stair-stepped marine terraces (younger to the west) that have been dissected by west flowing rivers. The coastal plain is a relatively stable block that is dissected by relatively few faults consisting of the potentially active La Nación Fault Zone and the active Rose Canyon Fault Zone.

Site-Specific Geology

Based on field exploration and observations conducted for the Limited Geotechnical Investigation, one surficial soil unit (consisting of topsoil) and one geologic unit (Quaternary Very Old Paralic Deposits) were encountered. Quaternary-age Very Old Paralic Deposits, Unit 10 (formerly called the Terrace Deposits) underlies the topsoil and extended to the maximum depth explored of seven

(7) feet. The Very Old Paralic Deposits (QvoP) are shallow marine deposits generally consisting of sand and silty sand units interfingered with layers of silt and clay. This unit may be in excess of 50 feet thick underlain by the Torrey Sandstone. The distribution of these geologic units and the locations where borings were taken are shown on **Figure 3.4-1**. The Project site is not underlain by active, potentially active, or inactive faults. The topography of the Project site is relatively flat to gently sloping at an elevation of about 370 to 400 feet above mean sea level (MSL).

Groundwater was not encountered during the site investigation and is not expected to be encountered during construction of the Project, as groundwater is located approximately 150 feet below grade (Geocon, 2022).

Seismic and Geologic Hazards

Several new faults developed in southern California during the Pliocene era. These created a new tectonic regime superposed on the flat-lying section of Tertiary and late Cretaceous rocks in the San Diego region. In southernmost California, the principal known onshore faults are the San Andreas, San Jacinto, Elsinore, Imperial, and Rose Canyon faults. The offshore zone of faults that include the Coronado Bank, Descanso, San Diego Trough, and San Clemente faults off the San Diego and northern Baja California coastline take the balance of the plate margin slip. Most of the offshore faults come together south of the U.S.- Mexico border, where they come onshore as the Agua Blanca fault, which transects the Baja California peninsula (City of Encinitas, 2019c).

Active Faults

An active fault is defined by the California Geological Survey as a fault showing evidence for activity within the last 11,700 years. Based on review of U.S. Geological Survey and other geologic materials, the Project site is not underlain by active, potentially active, or inactive faults. Additionally, the Project site is not located within an earthquake fault zone mapped by the State or by the County of San Diego.

Seismicity

The primary earthquake effect that produces the vast majority of damage is ground shaking. There are several factors that control the interaction of ground motion with structures. This makes ground shaking hazards difficult to predict. Earthquakes, or landslides induced by earthquake activity, can cause damage regardless of proximity to fault lines. Significant economic loss can result from damage to public and private structures and infrastructure which can also threaten public health and safety. Ground shaking is the most commonly felt effect of earthquakes that has the potential to adversely affects humans and infrastructure. During earthquakes, seismic waves are propagated through the earth's crust. This results in the ground vibrations normally felt during an earthquake. Depending on the frequency content of the earthquake rupture mechanism, and the path and material through which the waves are propagated, seismic waves can vibrate in all directions and at a variety

of frequencies. The earthquake rupture mechanism is the distance from the earthquake source, or epicenter, to an affected site.

Six different Seismic Design Categories, based on building occupancy type and the severity of the potential ground motion from an earthquake at the site, are defined by the CBC. The six Seismic Design Categories are designated A through F. Category A has the lowest seismic potential and Category F has the greatest seismic potential. All of San Diego County, including the Project site, is in Seismic Design Category D, E or F. Therefore, buildings on the Project site must comply with the specifications for Categories E and F (GeoCon, 2022; Appendix E).

The Rose Canyon Fault lies offshore, 2.5 miles west of the City of Encinitas at its closest point, and has the capability to generate a magnitude 6.2 to 7.2 earthquake that could potentially damage public and private structures and infrastructure throughout the city (City of Encinitas, 2023). A magnitude 6.9 earthquake on the Rose Canyon Fault has the potential to reach a peak ground acceleration of 0.40 within downtown Encinitas and the Coast Highway 101 corridor. These sections of the City are more likely to suffer greater damage to infrastructure and human life than other parts of the City due to the following factors:

- Presence of older buildings;
- Relatively higher population density; and
- Softer soils susceptible to liquefaction, lurch cracking, lateral spreading and local subsidence.

The Rose Canyon Fault has a citywide extent. As a result, there is a greater percentage of the City's population that is potentially exposed to this hazard relative to others, and comparatively, potential losses from an earthquake would be larger than in most cases (County of San Diego, 2023).

Secondary Seismic Hazards

Liquefaction, Dynamic Settlement, and Lateral Spread

Seismic agitation of relatively loose saturated sands, silty sands, and some silts have the potential to result in an increase in pore pressure. A temporary quick condition known as liquefaction can occur if the pore pressure exceeds the overburden stresses. Generally speaking, more recent sediment deposits are more likely to be susceptible to liquefaction. Other factors that need to be considered when discussing liquefaction include:

- Groundwater;
- Confining stresses;
- Relative density; and
- Intensity and duration of seismically-induced ground shaking.

Liquefaction typically occurs when a site is located in a zone with seismic activity, onsite soils are cohesionless or silt/clay with low plasticity, groundwater is expected to be approximately 150 feet below grade surface and soil densities are less than about 70 percent of the maximum dry densities. If the four previous criteria are met, a seismic event could result in a rapid pore water pressure increase from the earthquake-generated ground accelerations. Due to the lack of a permanent, near-surface groundwater table and the very dense nature of the underlying Very Old Paralic Deposits, liquefaction potential for the site is considered very low.

Landslides

There are several formations in the San Diego region which are prone to landslides. Generally, these formations have high clay content and mobilize when they become saturated with water. There are other factors, such as steeply dipping bedding, that projects out of the face of the slope and/or the presence of fracture planes, that could also increase the potential for landslides (GeoCon, 2022; Appendix E). No evidence of previous or incipient slope instability was observed at the Project site. Landslides are not present on or adjacent to the site and the Project site is relatively flat.

Paleontological Resources

Paleontological resources are the fossiliferous remains or traces of prehistoric plant and animal life that are not connected with human cultural resources (Deméré and Walsh, 2011). Paleontological resources (such as bones, teeth, shells, and wood) are found in geologic deposits within which they were originally buried and can provide a historic record of environmental conditions outside of human influence, depending on the age and characteristics of the formation. These resources represent a limited, nonrenewable, and sensitive scientific and education resource.

A variety of studies have been completed to characterize geologic formations and their potential for containing paleontological resources. This analysis relies on "Paleontological Resources, San Diego County California," prepared by Thomas Deméré, PhD, and Stephen Walsh (Deméré and Walsh, 2011), to identify the potential for resources in the study area. Based on past studies and findings throughout the San Diego region, local geologic formations have been assigned paleontological resource sensitivity, indicating their potential to contain paleontological resources of scientific importance. Resources could be disturbed as part of excavation activities, which are proposed for specific areas within the Project site.

"Paleontological Resources, San Diego County California" (Deméré and Walsh, 2011) provides generalized potential sensitivity for different geologic deposits within San Diego County. The proposed Project is located within the Coastal Plain region of the Peninsular Ranges Province. The Coastal Plain region is underlain by a "layer cake" sequence of marine and nonmarine sedimentary rock units that record portions of the last 140 million years of earth history. Over this period of time, the relationship of land and sea has fluctuated drastically such that today we have ancient marine rocks preserved up to elevations of around 900 feet above sea level and ancient river deposits as

high as 1,200 feet. Faulting related to the local La Nación and Rose Canyon fault zones has broken up this sedimentary sequence into a number of distinct fault blocks in the southwestern part of San Diego County, while in the northern area the effects of faulting are not as great and the rock units are relatively undeformed (Deméré and Walsh, 2011).

Due to the relationship between fossils and geologic formations in which they can occur, the geology of an area provides a reasonable basis for predicting the potential for the presence of paleontological resources. As shown on **Figure 3.4-1**, the Project site is underlain by middle to early Pleistocene-age Very Old Paralic Deposit, which is considered sensitive for paleontological resources.

3.4.2. Regulatory Framework

International Building Code

The International Building Code (IBC) is a model building code developed by the International Code Council and provides the basis for the CBC, which is discussed below. The IBC includes minimum standards for building construction to ensure human health and safety. Prior to the creation of the IBC, a variety of building codes were used. By the year 2000, these previous codes had been replaced by the IBC. Updates to the IBC are provided every 3 years.

Occupational Safety and Health Administration Regulations

The Occupational Safety and Health Administration (OSHA) Excavation and Trenching Standard (29 CFR, Part 1926(P) et seq.) covers requirements for excavation and trenching operations. Excavation and trenching are among the most hazardous construction activities. 29 CFR, Part 126, Subpart P, Standard Number 1926.651 specifically, requires that all excavations where employees could potentially be exposed to cave-ins, be protected by:

- Sloping or benching the sides of the excavation;
- Supporting the sides of the excavation; or
- Placing a shield between the side of the excavation and the work area

State

California Building Code

As discussed above, the design standards in the CBC are largely based on the IBC. However, due to the geological conditions in California, the CBC includes the addition of more specific design provisions for structures located in seismic zones. The provisions of the CBC apply throughout the state to the construction, alteration, movement, replacement, and/or demolition of all buildings and structures or any appurtenances connected or attached to such buildings or structures

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act addresses non-surface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. Passed by the California Legislature in 1990, this law was codified in the Public Resources Code (PRC) as Division 2, Chapter 7.8A and became operative in April 1991. The act resulted in a mapping program that is intended to reflect areas with the potential for liquefaction, landslide, strong ground shaking, or other earthquake and geologic hazards. The Project site does not have an official seismic-hazard zone map. neither is it mapped within a California Department of Conservation Seismic Hazard Zone (California Department of Conservation Seismic Hazards Program, 2023).

Alquist-Priolo Earthquake Fault Zoning Act

As a result of the San Fernando earthquake which occurred in 1971, the California Legislature passed the Alquist-Priolo Earthquake Fault Zoning Act (PRC Section 2621 et seq.) in 1972. The Act provides a mechanism to reduce losses from surface fault ruptures throughout the state. Specifically, the Act requires that proposed developments that have tracts of four or more dwelling units investigate the potential for ground rupture in designated Alquist-Priolo zones. These zones serve as an official notification of the probability of ground rupture during earthquake events. Where designated Alquist-Priolo zones are found, no building may be constructed on the line of fault. In addition, before construction is allowed, a geologic study must be conducted to determine the location of all active fault lines within the Alquist-Priolo fault zones. In general, local agencies are required to regulate development proposed in designated Alquist-Priolo fault zones.

Paleontological Resources

California Environmental Quality Act

CEQA affords paleontological resources explicit protection, specifically in item V(c) of CEQA Guidelines Appendix G, the Environmental Checklist Form, which addresses the potential for adverse impacts to "unique paleontological resource[s] or site[s] or … unique geological feature[s]." This provision covers fossils of significant importance—remains of species or genera new to science, as well as localities that yield fossils significant in their abundance, diversity and preservation.

In addition, CEQA provides that generally, a resource shall be considered "historically significant" if it has yielded or may be likely to yield information important in prehistory (PRC Section 15064.5[a][3][D]). Paleontological resources would fall within this category. Sections 5097.5 and 30244 of PRC Chapter 1.7 also defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute (PRC Section 5097.5). However, neither state nor local agencies have specific

jurisdiction over paleontological resources, but all must evaluate potential impacts and provide any applicable mitigation measures. State and local agencies do not require a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earthmoving on state or private land in a project site.

Regional

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

In 2010, the City of Encinitas, along with the 18 other jurisdictions in San Diego County, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP identifies risks and ways to minimize damage by natural and human-caused disasters throughout the county. It is a comprehensive document that includes creating a decision tool for promoting compliance with state and federal requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The Board of Supervisors of the County of San Diego adopted the revised *2023 Multi-Jurisdictional Hazard Mitigation Base Plan* on February 7, 2023 (County of San Diego, 2023). Hazard mitigation goals, objectives and actions for each jurisdiction are presented in a multi-jurisdictional hazard mitigation plan annex document. The City of Encinitas's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP Annex, which was approved by the Federal Emergency Management Agency in April 2023 (City of Encinitas, 2023).

Local

City of Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and a policies designed to shape the long-term development of the City, as well as protect its environmental, social, cultural and economic resources.

An update to the Safety Element of the General Plan (formerly titled "Public Safety Element) was adopted by City Council on August 9, 2023 (Resolution No. 2023-50). The Public Safety Element was originally adopted by the City Council as part of the General Plan on March 29, 1989, through Resolution No. 1989-17. Subsequent versions of the Safety Element were adopted by City Council on December 6, 1995, through Resolution No. 1995-113. It was last updated in 1995 to address modifications associated with the California Coastal Commission's certification of the City's Local Coastal Program.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government

Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant goals and policies for the Project in effect on April 21, 2021 include:

Land Use Element

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.

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).
GOAL 13:	Create a desirable, healthful, and comfortable environment for living while preserving Encinitas' unique natural resources by encouraging land use policies that will preserve the environment.
Policy 13.1:	The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring.
GOAL 14:	The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources and avoid the costs of dealing with repair and sedimentation removal.
Policy 14.1:	The best strategy to reduce erosion and sedimentation is to reduce to the maximum extent feasible, grading and removal of vegetation. It is the policy of the City that, in any land use and development, grading and vegetation removal shall be limited to the minimum necessary.
Policy 14.3:	The City will reduce the rate of sedimentation of the lagoons by requiring procedures for controlling runoff and erosion associated with upland grading and development based on a minimum 10-year, six-hour storm event. The City shall provide regulations for the use of

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

	sedimentation basins and the potential transfer of sediment as beach replenishment (if of an acceptable material).
Policy 14.4:	Revegetation and appropriate landscaping of all areas graded and scraped of vegetative cover shall be required with land use and development. Plantings, hydroseeding, and irrigation systems used shall be selected on the bases of minimizing erosion and conserving water.
Policy 14.5:	To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1– April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period.
Policy 14.6:	To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction.
Policy 14.7:	Minimize extensive or premature grading or filling and penalize illegal grading or filling.

City of Encinitas Municipal Code

The City of Encinitas Grading, Erosion and Sediment Control Ordinance (Chapter 23.24) establishes minimum requirements for grading, excavating and filling of land. It also provides for the issuance of grading permits and provides for the enforcement of those requirements. This ordinance was adopted pursuant to, and to implement provisions of, the Encinitas General Plan and certified Local Coastal Program Land Use Plan (LUP). It is the City's intent to protect life and property; promote the general welfare; enhance and preserve the physical environment of the community; and, maintain the natural scenic character of Encinitas.

- Section 23.24.140 requires that a grading plan be prepared and stamped by a civil engineer registered in the State of California. If a soils and geology report is required, the grading plan is required to be signed by a licensed soil engineer and a licensed engineering geologist.

- Sections 23.24.150 and 23.24.160 require an interim and final erosion and sediment control plan be included as part of the grading plan provided by a California registered civil engineer. The interim erosion control plan must be prepared with respect to conditions existing on the site during land disturbance or filling activities or soil storage. The final erosion control and sediment plan shall be provided with respect to the conditions existing on the site after final structures and improvements have been completed and where these final structures were not covered by an interim plan.
- Section 23.24.170 states that a soil engineering report, when one is required by the City Engineer, shall be prepared and certified by a licensed California 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 addition to a soils report when the City Engineer determines that the proposed development is in an existing or a potential geologic hazardous area. A geological hazard area is an area subject to landslide, faulting, or other hazards as identified by the City Engineer. The report must be prepared by a licensed California engineering geologist and a licensed California civil engineer or geotechnical engineer and is required to be based on adequate and necessary test borings.

3.4.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a geology and soils impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact 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? Refer to Division of Mines and Geology Special Publication 42.

    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 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.

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

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

6) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.4.4. Analysis of Project Effects and Significance Determination

Impact 3.4-1a: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

All of Southern California, including the Project site, is subject to seismic activity as a result of the active faults that traverse the region. As discussed in Subsection 3.4.1, Existing Conditions, no known active faults transect or project toward the site, nor is the site located within an earthquake fault zone mapped by the State or by the County of San Diego. The nearest fault is the Rose Canyon fault zone, approximately 2.5 miles west of the City of Encinitas at its closest point (Geocon, 2022).

Because of the distance to the nearest fault and the magnitude of previous seismic activity, the proposed Project would neither negate nor supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, nor would the Project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map. Even though no active faults traverse the Project site, all new development must comply with the requirements of the Alquist-Priolo Fault Zoning Act, as well as the CBC (California Department of Conservation, 2021). Therefore, impacts would be less than significant, and no mitigation would be required.

Impact 3.4-1b: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking.

As discussed in Issue 1a, Southern California has numerous active seismic faults potentially subjecting people to earthquake- and seismic-related hazards. Seismic activity poses two types of potential hazards for people and structures, categorized as either primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Secondary hazards include ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires. These secondary hazards are discussed in Impact 3.4-1c.

The Project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, including the Rose Canyon fault zone, which is located 2.5 miles west of the City of Encinitas at its closest point and has the capability to generate a magnitude 6.2 to 7.2 earthquake that could potentially damage public and private structures and infrastructure throughout the city. A magnitude 6.9 earthquake on the Rose Canyon Fault has the potential to reach a peak ground acceleration of 0.40 within downtown Encinitas and the Coast Highway 101 corridor (City of Encinitas, 2023).

Regardless of the seismic activity anticipated to occur on-site, the Project would be designed in accordance with CBC requirements that address structural seismic safety. This would include design criteria for seismic loading and other geologic hazards. As discussed in Section 3.4.1, Existing Conditions, the CBC defines six different Seismic Design Categories. All of San Diego County, including the Project site, is in Seismic Design Category E or F (the most severe). Therefore, the proposed Project would be required to comply with the design requirements for Categories E and F. Specifically, the Project would be required to meet development design measures specific to Seismic Design Categories E and F intended to maximize structural stability in the event of an earthquake.

The requirements of the CBC address structural seismic safety and include design criteria for seismic loading and other geological hazards. This includes design criteria for geologically induced loading that governs structural member sizing, building supports and materials, and provide design process calculation methods. The CBC also includes provisions for buildings to structurally survive an earthquake without collapse, as well as measures such as foundation anchors and structural frame design. 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 collapse and includes measures such as foundation anchors and structural frame design.

Project conformance with CBC and the specifications for Seismic Design Categories E and F, and with local requirements 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, and no mitigation would be required.

Impact 3.4-1c: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction.

Liquefaction typically occurs when a site is located in a zone with seismic activity, onsite soils are cohesionless or silt/clay with low plasticity, groundwater is encountered within 50 feet of the surface and soil densities are less than about 70 percent of the maximum dry densities. Due to the lack of a permanent, near-surface groundwater table and the very dense nature of the underlying Very Old Paralic Deposits, liquefaction potential for the site is considered very low (GeoCon, 2022). Additionally, the County of San Diego's Multi-Jurisdictional Hazard Mitigation Plan: City of Encinitas Annex maps the Project site as being within an area of "low liquefaction risk" (City of Encinitas, 2023). Therefore, impacts would be less than significant, and no mitigation would be required.

Impact 3.4-1d: Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving landslides.

Non-seismically induced landslides are often the result of water from rainfall, septic systems, landscaping, or other origins that infiltrate slopes with unstable material. According to the Geotechnical Report prepared for the Project (Appendix E), landslides and active faulting are not known to occur on the Project site. In addition, all site grading activities would conform to the City of Encinitas Grading Ordinance, the California Building Code, and be conducted in accordance with the recommendations represented in Section 7 of the Geotechnical Report. Impacts involving landslides would be less than significant, and no mitigation would be required.

Impact 3.4-2: Result in substantial soil erosion or the loss of topsoil.

Soil erosion has the potential to occur during construction of the proposed Project, as grading and construction can loosen surface soils and make them susceptible to the effects of wind and water movement across the surface. All construction activities related to the proposed Project would be required to comply with the CBC. Additionally, the proposed Project would be subject to. and will be in compliance with. the requirements set forth in General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities discussed below (Construction General Permit, NPDES No. CAS000002, SWRCB Order 2022-0057-DWQ[2] (State General

[2] Adopted by the State Water Resources Control Board September 8, 2022. This Order supersedes Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and 2012-0006-DWQ.

Construction Activities Permit) for construction activities, which requires preparation and implementation of a SWPPP and BMPs. The SWPPP would be completed prior to Project construction (discussed in further detail in Section 3.6, Hydrology and Water Quality).

Compliance with the CBC and the State General Construction Activities Permit would minimize adverse effects from erosion and sedimentation, and ensure consistency with San Diego Regional Water Quality Control Board requirements, which establish water quality standards for the groundwater and surface water of the region. The State General Construction Activities Permit also requires that construction contractors implementing SWPPPs have prerequisite qualifications that demonstrate the skills, knowledge, and experience necessary to implement those plans. The requirements of the NPDES would substantially reduce the potential for erosion or topsoil loss to occur in association with the proposed Project. Water quality features intended to reduce construction-related erosion impacts would be clearly noted on the grading plans for implementation by the construction contractor, including limiting certain construction activities to dry weather; covering exposed excavated dirt during periods of rain; and protecting excavated areas from flooding with temporary berms. These features would minimize the potential for erosion to occur.

The Project would comply with required erosion and runoff control measures included as part of the City's approval of the grading plan. These factors, coupled with conformance to applicable federal, state, and local regulations, and implementation of appropriate BMPs detailed in Section 3.6, Hydrology and Water Quality, mean the proposed Project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant, and no mitigation would be required.

Impact 3.4-3: 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.

As discussed in Impact 3.4-1c, due to the lack of a permanent, near-surface groundwater table and the very dense nature of the underlying Very Old Paralic Deposits, liquefaction potential for the site is considered very low. The site is not located within an area of known ground subsidence. There is no evidence of previous or incipient slope instability at the Project site and it is relatively flat.

Based on the Geotechnical Report (Appendix E), impacts associated with landslide, lateral spreading, subsidence, liquefaction or collapse would be less than significant. No mitigation would be required.

Impact 3.4-4: Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

According to the Geotechnical Report (Appendix E), the soil at the Project site is “non-expansive” (expansion index EI of 20 or less) as defined by 2019 CBC. The expansion potential of the soil is considered "very low" to “low”. Impacts under this criterion would therefore be less than significant, and no mitigation would be required.

Impact 3.4-5: 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.

The Project site is in an urban setting where sewer service is available. The existing residences are serviced by the public sewer, San Dieguito Water District, and the Cardiff Sanitation District. The public sewer service would be extended to service the new residences as part of the Project. In addition, the entire Project would connect to and be serviced by the San Dieguito Water District and the Cardiff Sanitation District. Accordingly, the proposed Project would not require septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur.

Impact 3.4-6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impacts on paleontological resources occur when excavation activities encounter fossiliferous geological deposits and cause physical destruction of fossil remains. Fossil remains, fossil sites, fossil-producing geologic formations, and geologic formations with the potential for containing fossil remains are all considered paleontological resources or have the potential to be paleontological resources. Fossil remains are considered important if they are well preserved, identifiable, type/topotypic specimens, age diagnostic, useful in environmental reconstruction, and/or represent new, rare, and/or endemic taxa.

The potential for impacts on fossils depends on the sensitivity of the geologic unit and the amount and depth of grading and excavation. The Project area is underlain by Quaternary Very Old Paralic Deposits, which is considered sensitive for paleontological resources. There are no. known unique paleontological resources, sites, or unique geological features within the Project. However, there is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities as well as the potential to damage or destroy paleontological resources that may be present below the ground surface. This would constitute a significant impact. Mitigation measure GEO-1 would address the inadvertent discovery of previously unknown paleontological resources and resulting impacts would be less than significant.

3.4.5. Mitigation Measures

The following mitigation measures would reduce paleontological resource impacts to below a level of significance:

MM GEO-1 Paleontological Data Recovery and Monitoring Plan

Prior to grading permit issuance, a Data Recovery and Monitoring Plan shall be prepared which will be implemented during grading, excavation and construction activities, to the satisfaction of the City. The Plan shall document paleontological recovery methods and consist of the following measures, which shall be included on Project grading plans to the satisfaction of the City:

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 City's Development Services Department:

a. The Project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an M.S. or Ph.D. degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials.

b. The qualified paleontologist shall attend the Project pre-construction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques.

c. The qualified paleontologist or paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic deposits. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program.

d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil

salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.

e. If subsurface bones or other potential fossils are found anywhere within the Project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.

f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited 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.

Timing/Implementation:	*Data Recovery and Monitoring Plan shall be prepared prior to grading permit issuance. The Data Recovery and Monitoring Plan shall be implemented during grading and excavation activities, and prior to building permit issuance*
Enforcement/Monitoring:	*City of Encinitas Planning Division*

Level of Significance After Mitigation

Less than significant.

3.4.6. Cumulative Impact Analysis

The geographic scope for cumulative impacts to geology and soils includes the projects identified in **Table 2-6** and **Table 2-7** of this EIR. Impacts to geology and soils tend to be site-specific rather than cumulative in nature. Seismic events may damage or destroy a building on a project site, but the development of a project on one site would not cause any adjacent parcels to become more susceptible to seismic events. Similarly, a project cannot affect local geology in such a manner as to increase risks regionally. Impacts regarding surficial deposits, namely erosion and sediment deposition, however, can be cumulative in nature in a watershed.

Soils associated with the Project site are similar to other soils in the area. Site-specific conditions result in impacts associated with fault rupture and strong seismic ground shaking, seismic-related ground failure, including liquefaction and unstable soils, landslides, and shallow groundwater. These inherent conditions are the result of natural historical events that occur through vast periods of geologic time and are not based on cumulative development.

The proposed Project would require grading of portions of the Project site to provide for development of the proposed Project. It is expected that the Project and other area development would comply with the IBC, CBC, and the Encinitas Municipal Code. Thus, the proposed Project, when considered in combination with other past, present, and reasonably foreseeable projects within the vicinity, would not result in significant cumulative impacts. Accordingly, the Project's contribution to a significant cumulative geology and soils impact is less than cumulatively considerable.

No additional mitigation would be required.

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SOURCE: GEOCON, March 2022.

Geologic Map
Torrey Crest Residential Subdivision
Figure 3.4-1

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3.5 Hazards and Hazardous Materials

This section addresses potential hazards and hazardous materials impacts that may result from construction and/or operation of the proposed Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions in the Project area; identifies applicable regulations; 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 and II Environmental Site Assessment (ESA) Report prepared by Geocon (Geocon, 2021; Appendix F-1; the Soil Remediation Plan (SMP) and Community Health and Safety Plan (CHSP) prepared by GeoCon (Geocon, 2022; Appendix F-2); and the County of San Diego Dept. of Environmental Health and Quality's letter approving the SMP and CHSP for the Project (County of San Diego, 2022; Appendix F-3). All third-party reports were reviewed by Willis Environmental Planning and the City of Encinitas.

3.5.1. Environmental Setting

3.5.1.1.Resource Definitions

Under Title 22 of the California Code of Regulations (CCR), wastes may be hazardous wastes if they exhibit any of the four characteristics of a hazardous waste (ignitability, corrosivity, reactivity, and toxicity) as defined in 22 CCR sections 66261.21 through 66261.24. These four characteristics are:

- Ignitability (22 CCR section 66261.21)
- Corrosivity (22 CCR section 66261.22).
- Reactivity –22 CCR section 66261.23.
- Toxicity – (22 CCR section 66261.24.

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 disposes 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 (i.e., route by which a chemical enters a person's body), and the individual's unique biological susceptibility.

Hazardous wastes are hazardous substances that no longer have practical use, such as materials that have been discarded, discharged, spilled, or contaminated, or are being stored until they can be disposed of properly (22 CCR Section 66261.10). Soil that is excavated from a site containing hazardous materials is a hazardous waste if it exceeds specific CCR Title 22 criteria. Various agencies maintain hazardous waste and substance lists in planning documents used by state and local agencies to comply with 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.

A Phase I Environmental Site Assessment (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 objective of a Phase I ESA is to evaluate whether recognized environmental conditions (RECs) are present at a property. RECs are defined in American Society for Testing and Materials (ASTM) International E1527-13 as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." According to the ASTM Phase I ESA standard, the term recognized environmental condition is not intended to include de minimis conditions (minor things) that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government authorities.

If the Phase I ESA determines that a site may be contaminated, a Phase II ESA may be conducted. A Phase II ESA is a more intensive and detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons and may include recommendations for remediation, if necessary.

3.5.1.2.Existing Conditions

At the time the Notice of Preparation was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle school. The Project site has previously been intensely utilized as orchard, single family residential and greenhouse uses over several decades (Geocon, 2021).

Oak Crest Park and the Encinitas Community and Senior Center are located approximately 0.15 miles and 0.20 miles north of the Project site, respectively. Ocean Knoll Elementary School is located approximately 0.3 miles west of the Project site.

Phase I ESA and Limited Soil Sampling – 1190 Island View Lane

In June of 2019, SCS Engineers prepared a *Phase I Environmental Site Assessment and Limited Soil Sampling Report* to identify potential sources of hazardous substances and petroleum products that could be considered either a recognized environmental condition (REC) [1], controlled recognized environmental condition [2], or historical recognized environmental condition [3], on a portion of the Project site, located at 1190 Island View Lane (APN 259-181-02, -03, and -04). This property is developed with one single-family residence that was vacant at the time of the Phase I ESA's preparation. The 2019 Phase I ESA and Limited Soil Sampling Report included a review of historical documents (aerial photographs, city directories, and topographic maps), a site reconnaissance of the property on April 4, 2019, and a review of federal, state and local regulatory agency databases.

A review of historical aerial photographs found that the property (1190 Island View Lane), and portions of properties in the vicinity, had historically been used for agricultural purposes. Specifically, 1190 Island View Lane supported a residence and an orchard from at least 1947 to 1953, and included greenhouses from approximately 1980 to 1991 (SCS Engineers, 2019). Based on this previous residential and agricultural use, SCS Engineers identified a low-to-moderate likelihood that residual concentrations of organochlorine pesticides (OCPs) and metal-based pesticides could be present in the shallow surface soil beneath the property and it's vicinity. OCPs such as chlordane were commonly applied as termiticides around residential and commercial structures until approximately 1988 (SCS Engineers, 2019).

Given the age of the residential structure, there is a potential for the presence of elevated concentrations of lead in the shallow soil due to the potential former usage of lead-based paint and/or detectable concentrations of organochlorine pesticides (OCPs) due to the historical use of pesticides and/or termiticides.

For these reasons, limited soil sampling activities were conducted to assess the potential for residual concentrations of OCPs, lead and arsenic in the shallow soil within the vacant lots at the property.

[1] *Recognized environmental conditions*, as defined by ASTM, include the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property.

[2] *Controlled recognized environmental condition*, as defined by ASTM, is a *recognized environmental condition* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority.

[3] *Historical recognized environmental condition,* as defined by ASTM, is a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority.

2019 Soil Sampling

On May 21, 2019, SCS collected ten (10) soil samples from six (6) boring locations (B-1 through B-6) within the former agricultural fields and adjacent to the vacant single-family residence at 1190 Island View Lane (**Figure 3.5-1, Soil Sample Locations and Analytical Results, 1190 Island View Lane**). The samples were collected at depths ranging from 0.5 to 3 feet below ground surface and were analyzed for OCPs, arsenic and lead.

The samples collected from the fields east and west of the residence did not contain OCPs or lead at concentrations exceeding Environmental Screening Levels (ESLs) for residential soils. Arsenic was detected within normal background concentrations for California soils.

However, samples collected from the area adjacent to the residential structure were found to contain the OCPs of chlordane and dieldrin at concentrations exceeding residential ESLs. The presence of OCPs at concentrations exceeding regulatory screening levels is considered an REC. SCS recommended collecting additional samples to delineate the horizontal extent of contamination (SCS Engineers, 2019).

Phase I and Phase II ESA – 1190 Island View Lane and 1220-1240 Melba Road

In 2021, GeoCon, Inc., performed an additional assessment of the overall project as part of a Phase I and Phase II ESA (GeoCon, 2021; Appendix F-1). The Phase I and Phase II ESA consisted of a review of regulatory agency records, a site reconnaissance, a site history review, and soil sampling.

2021 Phase I ESA

Review of Agency Records

A regulatory review of federal, state, and local databases regarding the use, storage, disposal, or release of hazardous substances and/or petroleum products for the Project site and area within one mile of the site was conducted. The Project site was not listed in any of the regulatory databases. Six off site properties were identified within an eighth-mile of the Project site; however, none were identified as being likely to cause a REC at the Project site.

GeoTracker and the California Department of Toxic Substance Control's (DTSC) EnviroStor online database (http://www.envirostor.dtsc.ca.gov/public/) were also reviewed for the Project site and properties/facilities within a quarter-mile. Neither database identified a known concern on the Project site. GeoTracker listed two Cleanup Program Facilities within a quarter mile of the Project site, both of which have been granted regulatory closure. These off-site facilities were not identified as being likely to cause a REC at the Project site.

Site Reconnaissance

Geocon performed a site reconnaissance December 21, 2020, by walking the site and by observing adjacent properties and adjacent public streets. No odors, pools of liquid, stained soil or distressed vegetation were observed. A pole mounted electrical transformer was observed along Island View Lane; however, this was not identified as a REC.

Site History Review

A review of historical aerial photos revealed that the Project site has been used for agricultural uses from approximately 1939 to 1979 and has been developed with greenhouses since approximately 1979. Such uses suggests that pesticides and arsenic (commonly associated with pesticides) may have been used on portions of the Project site and their potential use was identified as a REC.

Phase II ESA– 1190 Island View Lane and 1220-1240 Melba Road

Based on the findings of the prior environmental site assessments, Geocon prepared a Phase II ESA to assess the potential presence of pesticides and arsenic in soil related to the former agricultural uses on portions of the Project site (GeoCon, 2021; Appendix F-1). The Phase II ESA included additional soil sampling adjacent to the structure at 1190 Island View Lane along with laboratory testing to delineate the horizontal limits of soil that may contain concentrations of OCPs exceeding regulatory health-based screening levels for residential soil.

2021 Soil Sampling

Additional soil sample collection was performed in two phases. The first consisted of collecting surface soil samples from the former agriculture areas shown on the historical aerial photographs, and greenhouse areas. The second phase consisted of collecting surface soil samples adjacent to the structures at 1190 Island View Lane.

Specifically, on December 21, 2020, 14 discrete surface soil samples (S1 to S14) were collected from the former agricultural and greenhouse areas at the locations shown on **Figure 3.5-2, *2021 Soil Sample Locations***. Additional soil sampling collection was performed between January 13 and February 23, 2021, near the existing structures at 1190 Island View Lane. These events included collecting additional "step-out soil samples", which resulted in the collection of a total of 98 discrete surface samples (S15 to S112) to delineate the horizontal limits of OCP-impacted soil (**Figure 3.5-3, *Step-Out Soil Sampling Locations***).

Soil Analytical Testing

Each sample was analyzed for OCPs by United States Environmental Protection Agency (USEPA) Test Method 8081A. Samples S1 to S14 were also tested for arsenic using USEPA Test Method 6010B. The results of laboratory analysis of the soil samples (S1 to S112) are summarized below and are presented on Table 1 of Appendix F-1 (pages 30 through 34).

Arsenic

A total of 14 soil samples were collected in the areas of the former orchards, the former greenhouses, and the active greenhouses (S1 to S14). Arsenic was detected in each of the 14 samples analyzed at concentrations ranging from 0.99 to 3.1 milligrams per kilogram (mg/kg). Arsenic is a natural mineralogical component of soil and its naturally occurring or "background" concentrations in California soils typically range from 0.6 to 12 mg/kg and much higher in some areas depending on the mineralogy of the soil's parent material. Therefore, regulatory agencies allow comparison of arsenic concentrations to naturally occurring background arsenic concentrations instead of calculated screening levels. The arsenic concentrations found in the samples are within the range of naturally occurring (background) arsenic concentrations for soil. Therefore, the former and current agricultural use of the Project Site was not found to have caused an REC at and further investigation was not warranted.

OCPs

Of the 14 soil samples collected in the areas of the former orchards, the former greenhouses, and the active greenhouses (S1 to S14) OCPs dichlorodiphenyltrichloroethane (DDT), Dichlorodiphenyldichloroethylene (DDE), heptachlor epoxide, and alpha-BHC were detected in one or more of the samples. It should be noted however, that reported concentrations for these constituents were less than their respective Environmental Screening Levels (ESLs) for residential soil.

A total of 98 samples were taken at 1190 Island View Lane and analyzed for OCPs and the sampling results are presented below.

- The OCP chlordane was detected in 94 of the soil samples at concentrations ranging from 57 to 43,000 micrograms per kilogram (µg/kg). Eighty (80) of the samples exceeded the residential ESL for chlordane of 480 µg/kg.
- The OCP dieldrin was detected in 21 soil samples at concentrations ranging from 5.6 to 270 µg/kg. Thirteen of the samples exceeded the residential ESL for dieldrin of 37 µg/kg.
- The OCP DDE was detected in 51 soil samples at concentrations ranging from 10 to 11,000 µg/kg. Three of the samples exceeded the residential ESL for DDE of 1,800 µg/kg.
- The OCP Heptachlor epoxide was detected in 39 soil samples at concentrations ranging from 5.1 to 150 µg/kg. Ten of the samples exceeded the residential ESL for heptachlor epoxide of 62 µg/kg.

The OCP Delta-BHC, DDT, dichlorodiphenyldichloroethane (DDD), heptachlor, endrin ketone, endosulfan I, and methoxychlor were detected in one or more of the soil samples at concentrations less than their respective ESL for residential soil (See Appendix F-1, Table 1). Therefore, these chemicals are not considered to be a contaminant of concern for the site.

Summary Findings

The OCPs chlordane, dieldrin, DDE, and heptachlor epoxide were detected adjacent to the structures at 1190 Island View Lane at concentrations exceeding their respective ESLs for residential soil, which is likely related to the application of termiticides. OCP impacts are typically confined to the upper 2.5 feet of soil. The estimated horizontal limits of the OCP-impacted soil that exceeds the residential ESLs is shown on **Figure 3.5-3, *Step-Out Sampling Locations***. The presence of OCPs in soil adjacent to the structures at 1190 Island View Lane at concentrations exceeding regulatory screening levels is considered an REC.

Soil Remediation Plan and Community Health and Safety Plan

GeoCon prepared a Soil Remediation Plan (SRP) and Community Health and Safety Plan (CHSP) *for 1190 Island View Lane and 1220-1240 Melba Road* for the remediation of pesticide-impacted soil identified within the shallow soils at 1190 Island View Lane that exceeded the regulatory screening levels (GeoCon, 2022). The Soil Remediation Plan and Community Health and Safety Plan are included in Appendix F-2 of the EIR. The SRP summarizes background investigative information for the Project site, identifies the specific contaminants of concern and outlines the procedures for remediation in a manner that is protective of public health and safety and the environment. The CHSP is a compilation of health and safety measures, and/or performance protocols intended to minimize the potential for exposure to pesticides during disturbance of pesticide-impacted soil at the Project site.

The SRP and CHSP were submitted to, and reviewed by, the County of San Diego Department of Environmental Health and Quality (DEHQ) under their Voluntary Assistance Program (Case No. DEH-202 LSAM-000474). Upon the completion of additional soil testing to delineate the vertical limits of the pesticide-impacted soil, DEHQ accepted the findings and recommendations of the SRP and CHSP, as shown in the Approval Letter for the Soil Management Plan, dated February 15, 2022 (Appendix F-3).

Asbestos-Containing Materials and Lead-Based Paint

Asbestos-containing materials (ACMs) were widely utilized in buildings constructed between 1945 and 1980. Common ACMs include vinyl flooring and associated mastic, wallboard and associated joint compound, plaster, stucco, acoustic ceiling spray, ceiling tiles, heating system components and roofing materials. As discussed in Section 3.3 of this EIR, *Cultural Resources*, the existing structures on the Project site were constructed between 1939 and 1979 and are likely to contain ACMs.

Additionally, lead-based paint was primarily utilized from the 1920s through 1978. Given the age of the on-site structures, it is considered likely that lead-based paint may be present in the buildings constructed during this time period.

3.5.1.3.Airport Land Use Plan

The Project is not located within an airport land use plan and is not located within two (2)-miles of a public or public use airport. The closest (public) airport is McClellan-Palomar Airport, approximately six (6)-miles north of the Project site; no private airstrips are in the immediate vicinity.

3.5.2. Regulatory Framework

3.5.2.1.Federal

Emergency Planning Community Right-to-Know Act

The Emergency Planning Community Right-to-Know Act (42 U.S.C. § 11001 et seq., 40 C.F.R. § 350.1 et seq.) regulates facilities that use hazardous materials in quantities that require reporting to emergency response officials. It also 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 (49 C.F.R. Parts 101, 106, 107, and 171–180) 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 Resource Conservation and Recovery Act (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 Department of Toxic Substances Control (DTSC) implements the RCRA program in combination with other state hazardous waste laws, collectively known as the Hazardous Waste Control Law.

3.5.2.2.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 State Water Resources Control Board (SWRCB) establish rules governing the use of hazardous materials and the management of hazardous waste.

- Applicable state and local laws include the following:
- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

Also, as required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List (discussed in detail below).

California Fire Code

The California Fire Code, which is updated every three years, is included in California Code of Regulations Title 24, Part 9 and was created by the California Building Standards Commission. Based on the International Fire Code, the California Fire Code serves as the primary means for authorizing and enforcing procedures and methods to ensure the safe handling and storage of hazardous substances that pose potential public health and safety hazards. The code regulates the use, handling, and storage requirements for hazardous materials at certain facilities. The California Fire Code and the California Building Code apply a classification system in identifying appropriate protective measures relative to fire protection and public safety. Such measures may include identification and use of proper construction standards, setbacks from property lines, and/or installation of specialized equipment.

State Fire Regulations

Fire regulations for California are established in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for structural standards (similar to those identified in the California Building Code), fire protection and public notification systems, fire protection devices such as extinguishers and smoke alarms, standards for high-rise structures and childcare facilities, and fire suppression training. The State Fire Marshal is responsible for enforcement of these established regulations and building standards for all state-owned buildings, state occupied buildings, and state institutions in California.

Government Code Section 65962.5(a), Cortese List

The California Hazardous Waste and Substances Site List, also known as the Cortese List, is a planning document used by state and local agencies and by private developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. California Government Code Section 65962.5 requires CalEPA to annually update the Cortese List. The DTSC is responsible for preparing a portion of the information that comprises the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information that is part of the complete list.

The EnviroStor database constitutes the DTSC's component of Cortese List data by identifying state response sites, federal Superfund sites, school cleanup sites, and voluntary cleanup sites. EnviroStor identifies sites that have known contamination or sites for which further investigation is warranted. It also identifies facilities that are authorized to treat, store, dispose, or transfer hazardous waste.

Hazardous Waste Control Act (Cal. Health and Safety Code, § 25100 et seq.)

This act is similar to the federal RCRA in that it regulates the identification, generation, transportation, storage, and disposal of materials deemed hazardous by the State of California.

Strategic Fire Plan for California

The 2018 Strategic Fire Plan was prepared by the California Board of Forestry and Fire Protection and the California Department of Forestry and Fire Protection (Cal Fire) for the purpose of statewide fire protection. The plan is aimed at improving the availability and application of data on fire hazards and risk assessment; land use planning relative to fire prevention and safety; facilitating cooperation and planning between communities and the multiple fire protection jurisdictions, including county- and community-based wildfire protection plans; establishing fire resistance in assets at risk; shared visioning among multiple fire protection jurisdictions and agencies; assessment of levels of fire suppression and related services; and appropriate recovery efforts following the event of a fire.

Federal/State Occupational Safety and Health Act

Federal and state Occupational Safety and Health Act laws provide for the education of handlers of hazardous materials; employee notification for those working with or in proximity to hazardous materials; acquisition of product safety data sheets and manufacturing data for proper use and handling of hazardous materials; and remediation training for employees for accidental release of hazardous materials. The act requires preparation of an Injury and Illness Prevention Program, which outlines measures to ensure employee safety such as inspections, how to address unsafe conditions, employee training, and communication protocols.

3.5.2.3.Regional

San Diego County, Site Assessment and Mitigation Program

The San Diego County Department of Environmental Health and Quality (DEHQ) 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 goal 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 (VAP) provides staff consultation, project oversight, and technical or environmental report evaluation on projects pertaining to properties contaminated with hazardous substances. The DEHQ utilizes its experience and knowledge of environmental assessment, cleanup, and risk evaluation to facilitate the rapid and cost-effective resolution of soil and groundwater contamination problems.

also includes information on staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

Certified Unified Program Agency

The County of San Diego is the Certified Unified Program Agency (CUPA) for the Project site. The Unified Program's goal is to achieve consistency, consolidation, and coordination in the regulation of six state-regulated environmental programs through education, community and industry outreach, inspections, and enforcement.

A CUPA is the agency responsible for the implementation and regulation of the Unified Program. The County DEHQ, 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

In 2010, the City of Encinitas, along with the 18 other jurisdictions in San Diego County, adopted the Multi-Jurisdictional Hazard Mitigation Plan (MHMP). The MHMP identifies risks and ways to minimize damage by natural and human-caused disasters throughout the county. It is a comprehensive document that includes creating a decision tool for promoting compliance with state and federal requirements, enhancing local policies for hazard mitigation capability, and providing interjurisdictional coordination. The Board of Supervisors of the County of San Diego adopted the revised *2023 Multi-Jurisdictional Hazard Mitigation Base Plan* on February 7, 2023 (County of San Diego, 2023). Hazard mitigation goals, objectives and actions for each jurisdiction are presented in a multi-jurisdictional hazard mitigation plan annex document. The City of Encinitas's specific hazard mitigation goals, objectives, and related potential actions for earthquake hazards are included in the MHMP Annex, which was approved by the Federal Emergency Management Agency in April 2023 (City of Encinitas, 2023a).

San Diego County Department of Environmental Health and Quality

The Department of Environmental Health (DEHQ) 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 DEHQ 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.

3.5.2.4.Local

City of Encinitas General Plan

The City of Encinitas General Plan is the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The 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.

An update to the Safety Element of the General Plan (formerly titled "Public Safety Element) were adopted by City Council on August 9, 2023 (Resolution No. 2023-50). The Public Safety Element was originally adopted by the City Council as part of the General Plan on March 29, 1989, through Resolution No. 1989-17. Subsequent versions of the Safety Element were adopted by City Council on December 6, 1995, through Resolution No. 1995-113. It was last updated in 1995 to address modifications associated with the California Coastal Commission's certification of the City's Local Coastal Program.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[4], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant goals and policies for the Project in effect on April 21, 2021 include:

Resource Management Element

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

Housing Element

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

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

[4] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

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 brush, 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.

3.5.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a hazards and hazardous materials impact would be significant.

3.5.3.1. Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact 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, would it 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, within two miles of a public airport or public use airport where such a plan has not been adopted.

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.

8) Substantially increase human exposure to vectors capable of spreading disease by: a. Proposing a vector breeding source, including but not limited to, sources of standing water for more than 72 hours (e.g., ponds, stormwater management facilities, constructed wetlands).

3.5.4. Analysis of Project Effects and Significance Determination

Impact 3.5-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Transport and Disposal

Construction of the Project may result in temporary hazards related to the transport of hazardous materials, including those used for construction vehicle use and maintenance (i.e., diesel fuel, motor oil, etc.). The U.S. Department of Transportation (DOT) regulates the transportation of hazardous materials in Title 49 of the CFR. The California Highway Patrol regulates the transportation of hazardous materials in Title 13 of the CCR, Division 2, Chapter 6, Hazardous Materials.

Transportation and disposal of material, such as soil[5], that is classified as a hazardous waste would be subject to applicable federal and state regulations, including those of the California Department of Toxic Substance Control (DTSC). Hazardous materials, including contaminated soil would be transported by a licensed Class A- hazardous waste hauler and disposed of at facilities that are permitted to accept such materials as required by the DOT, federal RCRA, and State regulations. Compliance with existing regulations described above would ensure that potential impacts from the routine transport of hazardous materials during construction of the Project would be less than significant.

Additionally, due to the age of the existing structures on-site, it is possible that the structures contain asbestos containing materials and lead-based paint as these products were prevalent in buildings constructed prior to the 1970s. Mitigation measure **MM HAZ-3** would require additional testing of the existing structures on-site to verify the absence of lead-based paint and/or asbestos-related

[5] Includes the estimated 200 cubic yards of pesticide-impacted soil present within the upper 1-foot of the former flower beds adjacent to the main house and garage at 1190 Island View Lane, which exceeds 10,000 µg/kg for chlordane (areas shown in pink on Figure 3.5-4).

construction materials and any additional remediation during demolition/deconstruction required to safely transport and dispose any lead-based paint and/or asbestos.

The transport of hazardous materials during operations are typically associated with certain types of land uses, including but not limited to, industrial facilities, energy/renewable energy generators, waste disposal, and storage and distribution facilities. None of these uses are proposed by the Project, which would consist of residential uses including 30 single-family residences. No impacts related to the routine transport of hazardous materials during operation of the Project would occur.

Use of Hazardous Materials

Construction and grading activities would involve the use of potentially hazardous materials, including vehicle fuels, oils, transmission fluids solvents, and similar substances related to the operation and maintenance of heavy construction equipment. The use of such materials would be for a short-term duration and would be limited to the quantities required for construction and grading. All potentially hazardous materials would be contained and stored in designated construction staging areas within the boundaries of the Project site. The construction contractor must ensure that they would be used in accordance with manufacturers' instructions and transported, stored, and disposed of in accordance with all applicable federal, State, and local laws and regulations to ensure that the amounts of these materials present during construction would be limited and would not pose a significant adverse hazard to workers or the environment.

Proper use, handling, and storage of materials must be conducted in accordance with the manufacturer's specifications and applicable local, state, and federal law. The use of these hazardous materials for their intended purpose would not pose a significant risk to the public or environment. Many of the anticipated construction materials may be recycled. Hazardous wastes that cannot be recycled would be transported by a licensed hazardous waste hauler following manifest procedures disposed of at an appropriately permitted offsite facility. The use and handling of these substances are subject to applicable federal, state, and local health and safety laws and regulations, as summarized in Section 3.5.2, Relevant Plans, Policies, and Ordinances, which would minimize health risk to the public associated with hazardous materials.

Pursuant to the requirements of the San Diego RWQCB and as described in Section 3.6 of the EIR, the Project would be required to obtain coverage under the NPDES General Construction Stormwater Permit (Order 2022-0057-DWQ) for construction activities. The construction contractor would be required to implement standard best management practices regarding hazardous materials storage, handling, and disposal during construction in compliance with the General Construction Stormwater Permit to protect water quality (See Impact 3.6-1 in Section 3.6, Hydrology and Water Quality). Any associated risk would be reduced to a level that is less than significant through compliance with these standards and regulations. Thus, the limited use and storage of hazardous materials during construction of the Project would not pose a significant hazard to the public or the environment and impacts would be less than significant. No mitigation would be required.

During operations, the proposed residential development would not entail the routine use, transport, or disposal of hazardous materials as part of its day-to-day operations. No substantial quantities of hazardous materials would be stored or used on-site, save for small amounts of commercially available cleaning products, landscaping chemicals and fertilizers. The use of small amounts of hazardous materials by private residents for cleaning, landscaping and maintenance activities would not create a significant hazard to the public or the environment. No mitigation would be required.

Impact 3.5-2: 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.

Project construction activities could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, paint, and solvents. While the Project would be required to comply with regulations regarding transport, use, and disposal of small quantities of these materials by licensed professionals, there is a possibility that upset or accidental conditions may occur 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 set forth 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, which require preparation and implementation of a stormwater pollution prevention plan (SWPPP). The SWPPP is also required as part of the grading permit submittal package. The construction 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.

As previously discussed, the 2021 Phase I and Phase II ESA identified the following Recognize Environmental Concerns (REC) at the Project site.

- Prior pesticide use during former agricultural operations on portions of the Project site represented a REC. Additional soil sample collection and testing of soils on and near at 1190

Island View Lane detected the presence of Arsenic at concentrations ranging from 0.99 to 3.1 milligrams per kilogram (mg/kg) which is within the range of naturally occurring (background) arsenic concentrations for California soils (0.6 to 12 mg/kg). Therefore, the former and current agricultural use of the Project Site does not appear to have caused an REC at the Site related to arsenic, and further investigation into these uses was not found to be warranted.

- Approximately 1,000 cubic yards of soil is estimated to be impacted with pesticides (primarily chlordane) at concentrations exceeding their respective residential ESLs soils around the structures at 1190 Island View Lane. The majority of the impacted soil is present within the upper one-foot of soil including a few isolated areas that extend to a depth of 2 to 3 feet as shown on **Figure 3.5-3, *Step-Out Sampling Locations***.
- Additional soil sampling was conducted at the request of the DEHQ to determine the vertical extent of the pesticide impacted soils
- The higher concentrations of chlordane, which exceeds 10,000 µg/kg, was identified only within the previous flower bed areas around the main house and garage.
- A Soil Remediation Plan (SRP) and Community Health and Safety Plan (CHSP) were prepared and submitted to the Department of Environmental Health and Quality (DEHQ). DEHQ reviewed the SMP and CHSP which included the segregation and off-site disposal of chlordane-impacted soil exceeding 10,000 ug/kg at an appropriate facility by a licensed Class A-HAZ subcontractor. The remaining nonhazardous soil will be encapsulated onsite, placed a minimum of seven (7)-feet below finish grade, three (3)-feet below the deepest utility, and a minimum of five (5)-feet above groundwater (estimated to be approximately 150 feet below grade). In addition, a visual barrier (i.e., Visqueen, geotextile fabric) will be placed on top of the CoC-impacted soil prior to capping with clean soil.
- Soil remediation is anticipated to commence sometime in 2024, after receipt of the grading permit and is estimated to take approximately five to ten days to complete.
- Confirmation soil samples will be collected from appropriate locations of the base and sidewalls within the CoC-impacted soil excavations. If additional, previously unidentified odorous, stained, or discolored soils are encountered, they will be segregated, sampled, and managed in accordance with the safety standards included in Community Health and Safety Plan (Appendix F-2 of this EIR) as specified by the Federal and California Occupatonal Safety and Health Administration and consistent with MM HAZ-1 and HAZ-2. .
- As shown on the Voluntary Assistance Program Concurrence Letter (Appendix F-3), the County DEHQ has reviewed and accepted the findings of the SMP and CHSP. As described in mitigation measure HAZ-1, the project applicant shall implement the approved Soil Remediation Plan and Community Health and Safety Plan in accordance with the County's approval, prior to issuance of the first building permit. Upon evidence that the remediation has been completed, the DEHQ will issue a No Further Action letter.

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. The potential release of such hazardous materials into the environment is considered to be significant. Implementation of mitigation measures MM HAZ-1 through MM HAZ-2 and the Project's compliance with all applicable local and state laws and requirements would reduce any impacts regarding OCPs to less than significant levels.

Additionally, due to the age of the existing structures on-site, it is possible that the structures contain asbestos containing materials and lead-based paint as these products were prevalent in buildings constructed prior to the 1970s. Mitigation measure MM 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. In addition to compliance with applicable local and state laws and requirements, implementation of mitigation measures MM HAZ-1 and MM HAZ-2 would reduce short term impacts to less than significant with mitigation incorporated.

Impact 3.5-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Project site is adjacent to and south of Oak Crest Middle School. The proposed Project residential units, sewer/water connections, and roadway improvements typical of residential subdivision development (this sentence is incomplete). These uses do not typically generate hazardous emissions or constitute incompatible land uses near a school. Due to the nature of the uses proposed, it is not anticipated that Project operations would result in hazardous emissions or the need to handle hazardous or acutely hazardous materials, substances, or waste that would potentially impact any area schools.

As discussed in Impact 3.5-1, the routine transport, use, and disposal of hazardous materials can result in hazards to the public through the potential for accidental release. Construction of the Project may result in temporary hazards related to the transport and use of hazardous materials, including those used for construction vehicle use and maintenance (i.e., diesel fuel, motor oil, etc.). The Project's Storm Water Pollution Prevention Plan (SWPPP) would be required to include standard provisions that would avoid any significant effects associated with the use of such materials.

The Phase II ESA determined that prior pesticide use during former agricultural operations on-site represented a REC. As a result, 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 waste into the environment.

The potential release of such hazardous wastes into the environment is considered to be significant. Implementation of mitigation measures HAZ-1 and HAZ-2 and the Project's compliance with all

applicable local and state laws and requirements would reduce any impacts regarding OCPs to less than significant levels.

Impact 3.5-4: 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, would it create a significant hazard to the public or the environment.

As previously noted, the Phase II ESA's review of regulatory databases determined that no reported hazardous materials sites are located on the Project site. Therefore, the proposed Project would not result in impacts related to being included on a list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5. No mitigation would be required.

As mentioned above, a search of government hazardous materials databases (GeoTracker, EnviroStor) found two facilities in the Project vicinity that were identified pursuant to Government Code Section 65962.5. However, these sites do not represent an environmental concern to the Project site or surrounding properties due to sites' status of regulatory closure.

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Project would not create a significant hazard to the public or the environment in this regard. Impacts would be less than significant.

Impact 3.5-5: 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.

The Project is not located within an airport land use plan and is not located within 2 miles of a public or public use airport. The closest (public) airport is McClellan-Palomar Airport, approximately 6 miles north of the Project site; no private airstrips are in the immediate vicinity. 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.

Impact 3.5-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Emergency response and evacuation is the responsibility of the City of Encinitas Fire Department. The City Fire Department is also involved with hazardous materials response. The County of San Diego maintains the San Diego County Emergency Operations Plan, which was approved in 2018 (San Diego County, 2018). The Emergency Operations Plan is used by agencies that respond to major emergencies and disasters, including those related to environmental health.

Activities associated with the proposed Project would not impede existing emergency response plans for the Project area. The Project would not result in closures of local roadways that may have an

effect on emergency response or evacuation plans in the vicinity of the Project site, nor does the proposed Project take access off a major circulation roadway which may result in additional response delays. It is anticipated that all local roadways would remain open during Project construction and operation. Further, construction activities occurring within the Project site would comply with all conditions, including grading permit conditions regarding 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 design of Project access and 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 review development plans prior to approval to ensure adequate emergency access. 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.

Impact 3.5-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

The Project site is located in a developed urban area. It is not within a fire hazard severity zone, as identified by the San Diego County Fire Hazard Severity Zone In SRA (CAL FIRE, 2007) or by the Very High Fire Hazard Severity Zones in LRA (CAL FIRE, 2009). Additionally, the Project would be in compliance with any further guidelines from the City Fire Department related to fire prevention and subject to approval by the City's Development Services Department. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires. No significant impact would occur.

3.5.5. Mitigation Measures

The following mitigation measures would reduce impacts to below a level of significance.

MM HAZ-1: Soil Remediation Plan

Prior to grading permit issuance, the Project applicant shall demonstrate that a qualified consultant has been retained to prepare and ensure implementation of the approved Soil Remediation Plan. The Project applicant shall be responsible for ensuring all provisions of the Soil Remediation Plan are implemented to the satisfaction of the San Diego County Department of Environmental Health (DEHQ) and the City of Encinitas Development Services Department. The following remediation measures contained in the approved Soil Remediation and Removal Plan shall be included in the Project's grading plans to the satisfaction of the Development Services Department and DEHQ:

Public Notification

In accordance with DEHQ , the project applicant or his representative shall provide a public notice to the properties adjacent to (within line of sight of) the Site a minimum of five (5) days prior to excavating the pesticide-impacted soil. The notice should also be posted at the Site informing the community of the soil remediation and include contact information for the environmental consultant performing the work, developer, and DEHQ case worker. Storm Water Protection

Storm Water Protection

Storm water best management practices (BMPs), consistent with the Construction General Permit, shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets.

Impacted and Decontamination Areas

Entry into impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. These areas shall be marked (as exclusion zones) in the field using stakes, ribbon and/or high visibility paint. Equipment and trucks that are used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of the excavations, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination shall be added to the pesticide- impacted soil stockpiles or placed in the encapsulation area. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite.

Dust Control

The contractor shall use water to effectively minimize generation of airborne dust during soil excavation, handling, disposal and/or encapsulation. Water shall be sprayed prior to daily work activities, during excavation, handling, disposal and/or encapsulation; temporarily stockpiled soil shall be sprayed and then covered with Visqueen or a 1-foot clean soil cap. Consideration shall be made to pre-watering the excavation areas prior to excavation to minimize generation of airborne dust.

Remediation shall be halted during high wind conditions where the use of engineering controls (i.e. wet methods) cannot effectively maintain dust at levels less than the Fence Line Action Levels specified in the CHSP.

Airborne Dust Monitoring and Sampling

As described in the CHSP (*Appendix A*), airborne dust monitoring and sampling will be performed during excavation and handling of pesticide-impacted soil.

Offsite Disposal of Chlordane-Impacted Soil Exceeding 10,000 µg/kg

The estimated 200 cubic yards of pesticide-impacted soil present within the upper 1-foot of the former flower beds adjacent to the main house and garage at 1190 Island View Lane, which exceeds 10,000 µg/kg for chlordane (areas shown in pink on **Figure 2** of the Soil Remediation Plan (Appendix F-2), will require disposal at an appropriate offsite waste disposal facility by a licensed Class A-HAZ subcontractor. The impacted soil shall be excavated and temporarily stockpiled to be characterized for waste disposal. The excavated soil shall be temporarily stockpiled at a designated staging area on Visqueen and then covered with Visqueen to minimize potential sediment in storm water run-off and airborne dust generation. Following acceptance at a permitted waste disposal facility, the impacted soil shall be transported to the disposal facility by a licensed Class A-HAZ subcontractor for disposal.

On-site Encapsulation of Non-Hazardous Pesticide-Impacted Soil

The estimated 800 cubic yards of non-hazardous (see discussion below), pesticide-impacted soil identified around the structures at 1190 Island View Lane shall be excavated and encapsulated onsite beneath a clean soil cover to mitigate potential health risks to future site occupants.

The extent of the remedial encapsulation area is shown on Figure 3.5-4. The proposed encapsulation area was selected by Pasco Laret Suiter & Associates, the project Civil Engineer, based on the volume of the impacted soil, criteria listed below and low likelihood of encountering the impacted soil during future site improvements (landscaping, underground utilities, etc.) and shall be approved by the DEHQ. If additional pesticide-impacted soil is identified during excavation and/or through confirmation sampling, the encapsulation area may need to be increased to accommodate the additional volume of soil to maintain the requirements described below.

Encapsulation of the pesticide-impacted soil will require the following:

- The impacted soil shall be placed a minimum of 7 feet below finish grade and face of slopes, including 3 feet below the deepest utility. A clean soil cap shall be placed above the impacted soil which does not contain pesticides at concentrations exceeding their respective PALs.

- The impacted soil shall be placed a minimum of 5 feet above groundwater or any engineered drainage structures. Groundwater was not encountered during our previous geotechnical investigation and is anticipated to be deeper than 50 feet below existing grade.
- The bottom and top of the encapsulation area shall be surveyed to document the lateral and vertical limits of the encapsulated impacted soil.
- A visual barrier (i.e. Visqueen, geotextile fabric) shall be placed on top of the impacted soil prior to capping with clean soil.
- Confirmation soil sampling and analysis would be conducted to verify that the project action levels (PALs) shown on Table 5 of the Soil Remediation Plan have been met in the excavation bottoms.

Confirmation Sampling

Confirmation soil samples would be collected from the base and sidewalls (where appropriate) within the pesticide-impacted soil excavations. Conformation samples would also be collected at 3 feet below Sample S22 and along the northern perimeter adjacent to the school as specifically requested by the DEHQ.

The samples would be collected using a decontaminated trowel or hand auger and placed directly into laboratory-provided sampling jars, properly labeled, and placed in a chilled cooler for transport to a State-certified laboratory under chain-of-custody protocol. The samples will be analyzed for pesticides by USEPA Test Method 8081A.

If pesticides are detected in the confirmation soil samples at concentrations exceeding their respective PALs, then additional excavation and confirmation sampling would be required until the PAL is met. Additional grading (i.e. fill placement) within the impacted area shall not be performed until test results from the confirmation sampling have been received.

Soil Remediation Report

Upon completion of the remediation activities a Soil Remediation Report documenting that the remedial work was conducted pursuant with this SRP shall be prepared and submitted to the DEHQ for review and a request for case closure for the Site. Prior to building permit issuance, the Project applicant shall submit a "Closure Letter" issued by the San Diego County DEHQ to the Encinitas Development Services Department.

Timing/Implementation:	*Prior to grading permit issuance, prior to building permit issuance and during grading.*
Enforcement/Monitoring:	*City of Encinitas Development Services Department* *County of San Diego DEHQ*

MM HAZ-2: Community Health and Safety Plan

Prior to the issuance of building permits, the Community Health and Safety Plan approved by DEHQ (included in Appendix F-2) shall be implemented to minimize the potential for exposure to pesticides during disturbance of pesticide-impacted soil at the Project Site.

Personnel Training

Site employees shall attend the pre-construction meeting prior to starting the project. The meeting shall review the elements of the CHSP, including the location of potential health and safety hazards on the Site and requirements of the CHSP. Site employees working directly with or handling pesticide- impacted soil shall provide evidence of completion of the applicable training requirements outlined in T8 CCR §5192(e) - Training (24-hour Certificate and current annual Refresher Training).

Soil Hazards and Prevention Measures

To reduce potential exposure to pesticides, site employees working directly with or handling pesticide- impacted soil shall use safe work practices that include proper personal protective equipment (gloves, eye wear, boots, proper clothing), personal hygiene practices (i.e. hand washing), and the use of water to allay potential airborne dust shall be implemented. As mentioned previously, contractors

and other subconsultants shall implement their own health and safety plan, which takes into consideration the potential exposure to the pesticides listed above.

Site Preparation and Security Measures

Prior to equipment mobilization for the proposed remedial activities, site preparation may include site inspections, surveying, boundary staking, sampling, utility connections or disconnections, and fencing installation. Formal work (regulated) zones shall be established at the Site prior to the start of soil excavation.

Storm Water Protection

Storm water best management practices shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets.

Decontamination Area

Entry into pesticide-impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. Equipment and trucks that are used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of excavation, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination activities shall be added to the pesticide-impacted soil encapsulation area or disposal stockpile. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite.

Airborne Dust Control

Procedures including the use of water as a dust suppressant to minimize dust generation during the soil removal activities shall be implemented to adhere with San Diego Air Pollution Control District Rule 55 for fugitive dust control (see Attachment B). Water shall be sprayed prior to daily work activities, during excavation/loading and placement activities. Watering equipment shall be continuously available to provide proper dust control. Water shall be applied in sufficient quantities to prevent visible dust emissions but not heavy enough to create runoff or soil erosion, which could spread pesticide-impacted soil to other portions of the Site or offsite. Remedial operations shall not be performed during periods of high winds where the use of engineering controls are ineffective in maintaining dust levels. If visible dust is observed, the remediation work will be halted until the use of engineering controls (i.e. wet methods) can effectively prevent fugitive dust emissions.

Perimeter Air Monitoring

Perimeter air monitoring shall be performed during site activities in which pesticide-impacted soil is being disturbed or handled. The purpose of real-time monitoring for airborne dust is to ensure that “wet methods” utilized during remedial activities are effective in mitigating potential offsite transport of airborne dust from the Site.

Perimeter air monitoring includes active monitoring of upwind (background) and downwind perimeter ("fence line") dust levels closest to the nearest residences or receptors.

Airborne Dust Monitoring Procedures

Perimeter airborne dust monitoring during the remediation activities shall include one upwind (background) location and two downwind locations, including an additional monitor along the northern perimeter adjacent to Oak Crest Middle School. Wind direction data recorded at the weather station at Carlsbad McClellan-Palomar Airport (KCRQ) approximately 6 miles north of the Site, (http://w1.weather.gov/data/obhistory/KCRQ.html) indicates the predominant wind direction in the site vicinity is from the west.

Ambient air monitoring shall be performed during excavation and handling of the pesticide-impacted soil on Site. The real-time monitors shall be zeroed according to the manufacturer's instructions, calibrated to the appropriate flow rate, and programmed to log total dust levels every 60 seconds. Air sampling shall also be performed concurrently during the real time air monitoring. Air samples shall be collected prior and during the excavation activities of pesticide-impacted soil on the Site. Sampling shall consist of pumping air over a filter/solid sorbent tube, which will be analyzed for pesticides in general accordance with National Institute of Occupational Safety and Health (NIOSH) Method 5600 on an expedited turnaround time.

The fence line dust action level (FLAL) for chlordane shall be 0.325 mg/m3. If the FLAL is met or exceeded, then remedial operations shall be stopped until engineering controls (water spray) are increased to effectively lower the FLAL.

Remedial operations shall not be performed during periods of high winds where the use of engineering controls (i.e. wet methods) are ineffective in maintaining dust levels below the FLAL. Areas of disturbed impacted soil shall be moisture-conditioned or temporarily covered with plastic sheeting until such time that onsite dust conditions allow work to resume. During non-working hours (i.e. evenings and weekends) a water truck shall remain onsite and personnel available on-call if high winds are forecasted.

Timing/Implementation:	*Prior to the start of construction, during construction.*
Enforcement/Monitoring:	*City of Encinitas Development Services Department*

MM HAZ-3 Asbestos and Lead Material Survey

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).

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.

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.

Timing/Implementation:	*Prior to the start of construction, during construction.*
Enforcement/Monitoring:	*City of Encinitas Development Services Department*

3.5.5.1. Level of Significance After Mitigation

With implementation of Mitigation Measures **MM HAZ-1**, **MM HAZ-2** and **MM HAZ-3** no significant hazards or hazardous materials impacts would occur.

Hazardous Materials

After implementation of Mitigation Measures **MM HAZ-1** through **MM HAZ-3**, the prescribed inspections and remediation would be performed and the proposed project would be in compliance with the methods and cleanup levels of the DEHQ or other selected regulatory agency. Therefore, the proposed project would result in less-than-significant impacts related to exposure to hazardous materials from construction or operation.

Hazardous Wastes and Contamination

After implementation of Mitigation Measures **MM HAZ-1** through **MM HAZ-3** the prescribed remediation would be performed and the Project would be in compliance with the methods and cleanup levels of the DEHQ or other selected regulatory agency. Therefore, the Project would result

in less than-significant impacts related to exposure to hazardous wastes and contamination from construction.

3.5.6. Cumulative Impact Analysis

The geographic scope for cumulative impacts to geology and soils includes the projects identified in **Table 2-6** and **Table 2-7** of this EIR. The cumulative setting for hazards associated with the proposed Project generally consists of existing and future uses in Encinitas in proximity to the Torrey Crest Residential Subdivision Project.

As evaluated in this EIR, the proposed Project would not create a significant hazard to the public or the environment with implementation of mitigation measures HAZ-1, HAZ-2 and HAZ-3, and Project compliance with all applicable local and state laws and requirements. Impacts associated with hazardous materials are generally site-specific. Project implementation would result in potential short-term impacts during construction activities associated with exposure to hazards such as potentially contaminated soils. However, hazards and hazardous materials impacts associated with the Project would be site-specific and would not contribute to cumulative hazardous impacts. In addition, the Project would not result in significant impacts related to airport hazards or regional emergency/evacuation plans. Cumulative projects in the site vicinity would be required to implement, as appropriate, similar site-specific measures to address potential impacts from hazardous materials and airport hazards. These kinds of impacts do not combine to increase effects. Therefore, cumulative impacts related to hazardous materials would be less than significant and the Project's contribution to a cumulative impact would be less than cumulatively considerable.

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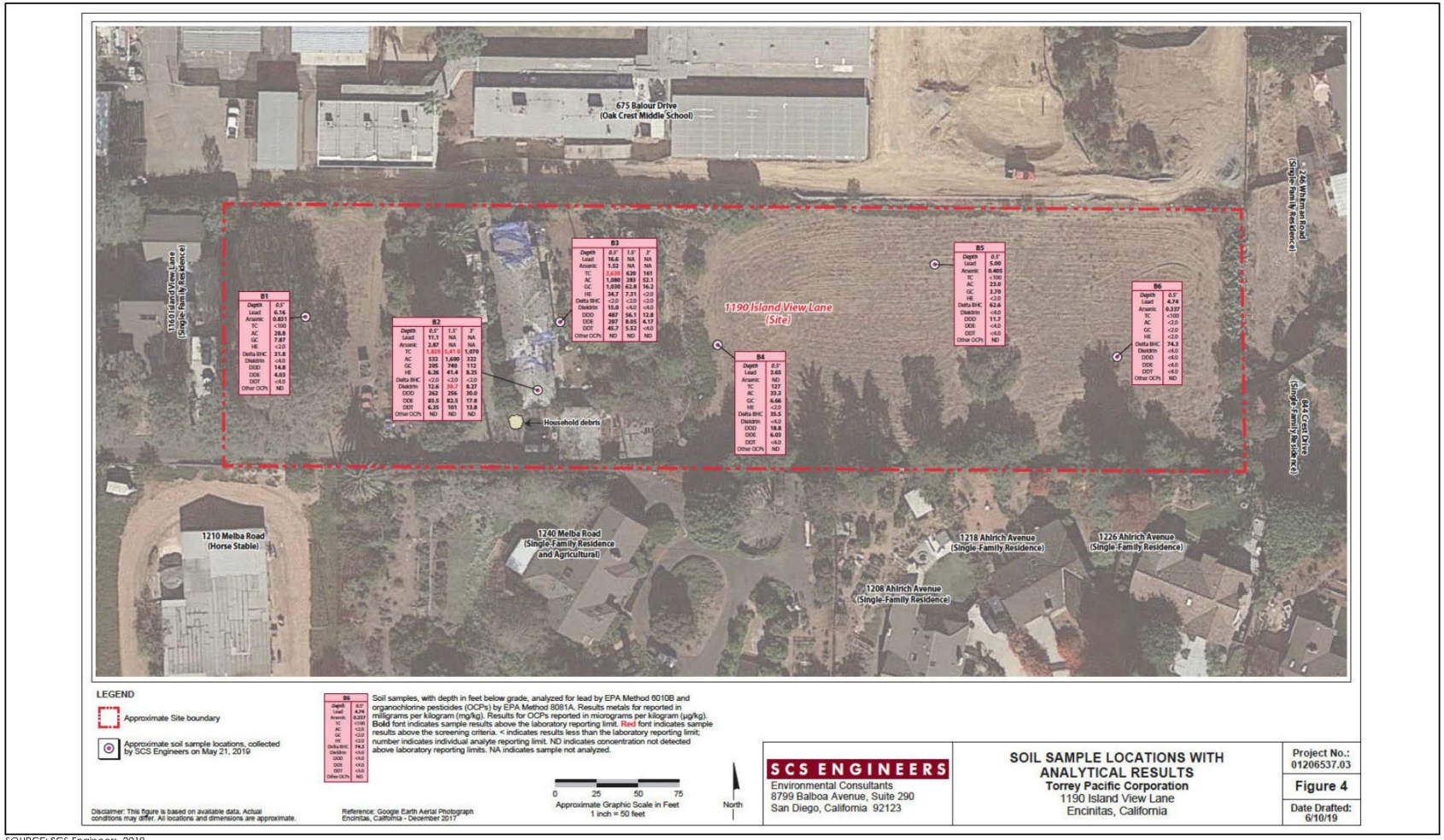

SOURCE: SCS Engineers, 2019

Soil Sample Locations with Analytical Results (1190 Island View Lane)
Torrey Crest Residential Subdivision
Figure 3.5-1

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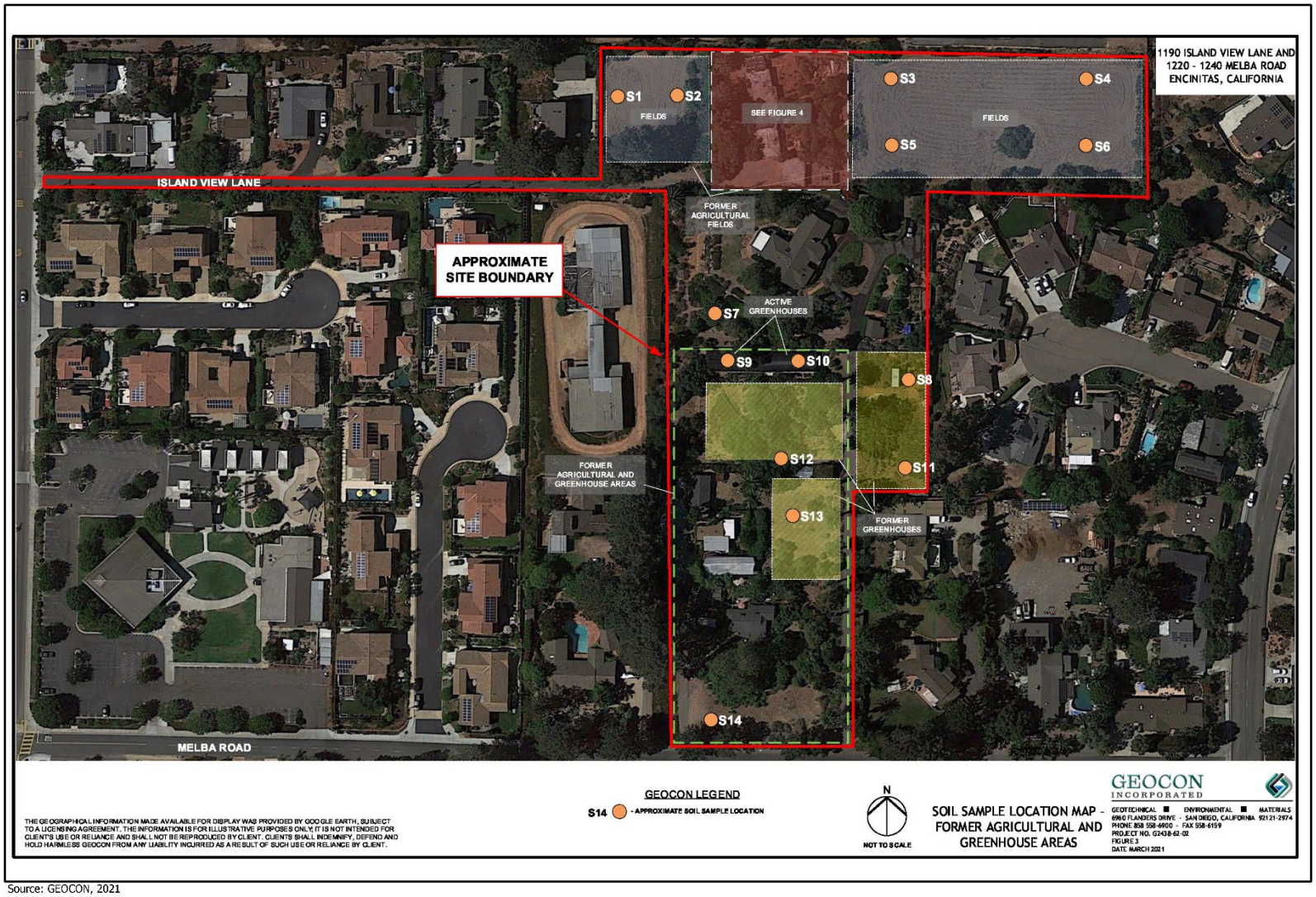

Source: GEOCON, 2021

Soil Sample Locations of Phase II ESA
Torrey Crest Residential Subdivision
Figure 3.5-2

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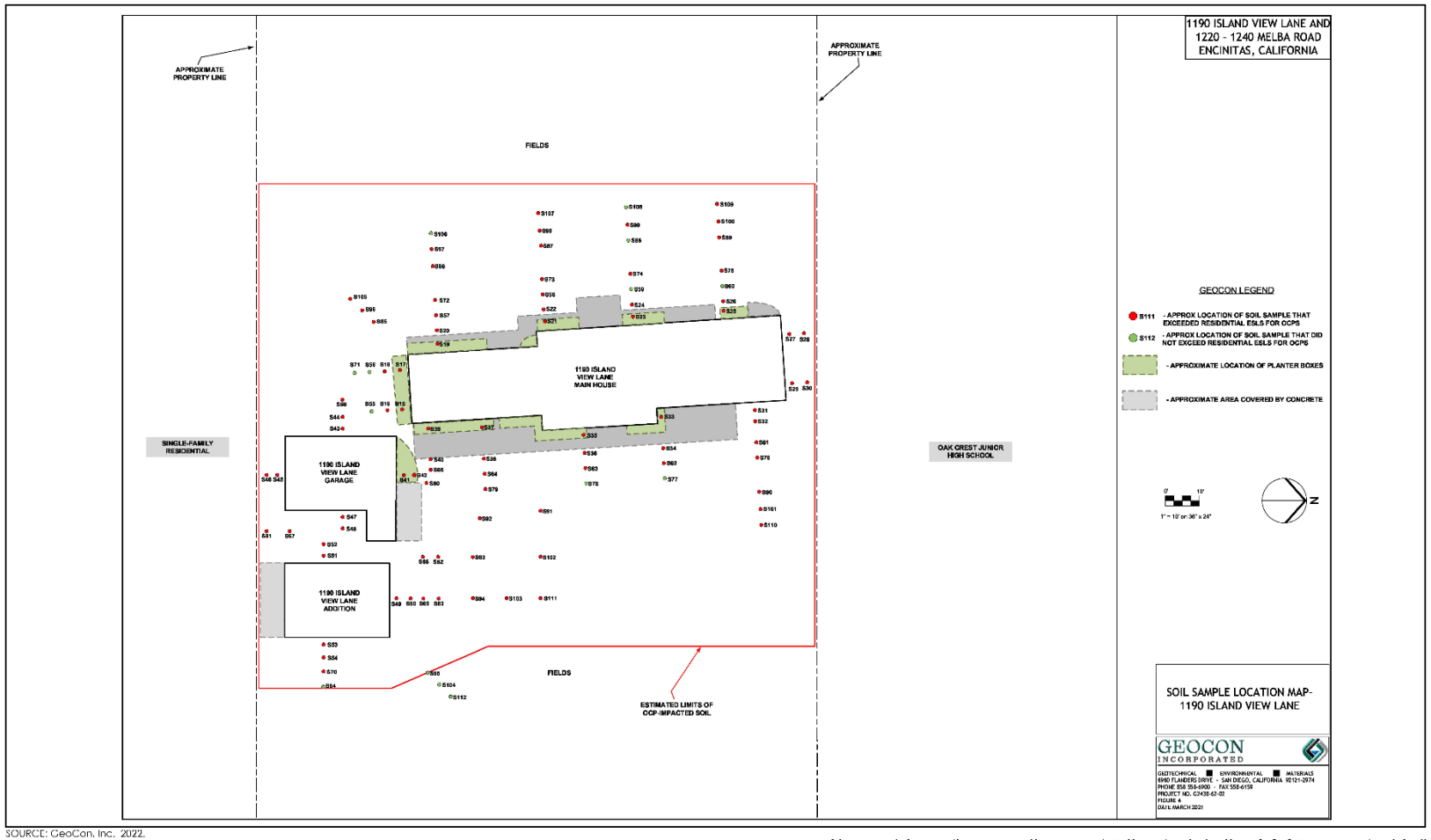

SOURCE: GeoCon, Inc. 2022.

Step-out Sampling Locations and Estimated Limits of OCP-Impacted Soil
Torrey Crest Residential Subdivision
Figure 3.5-3

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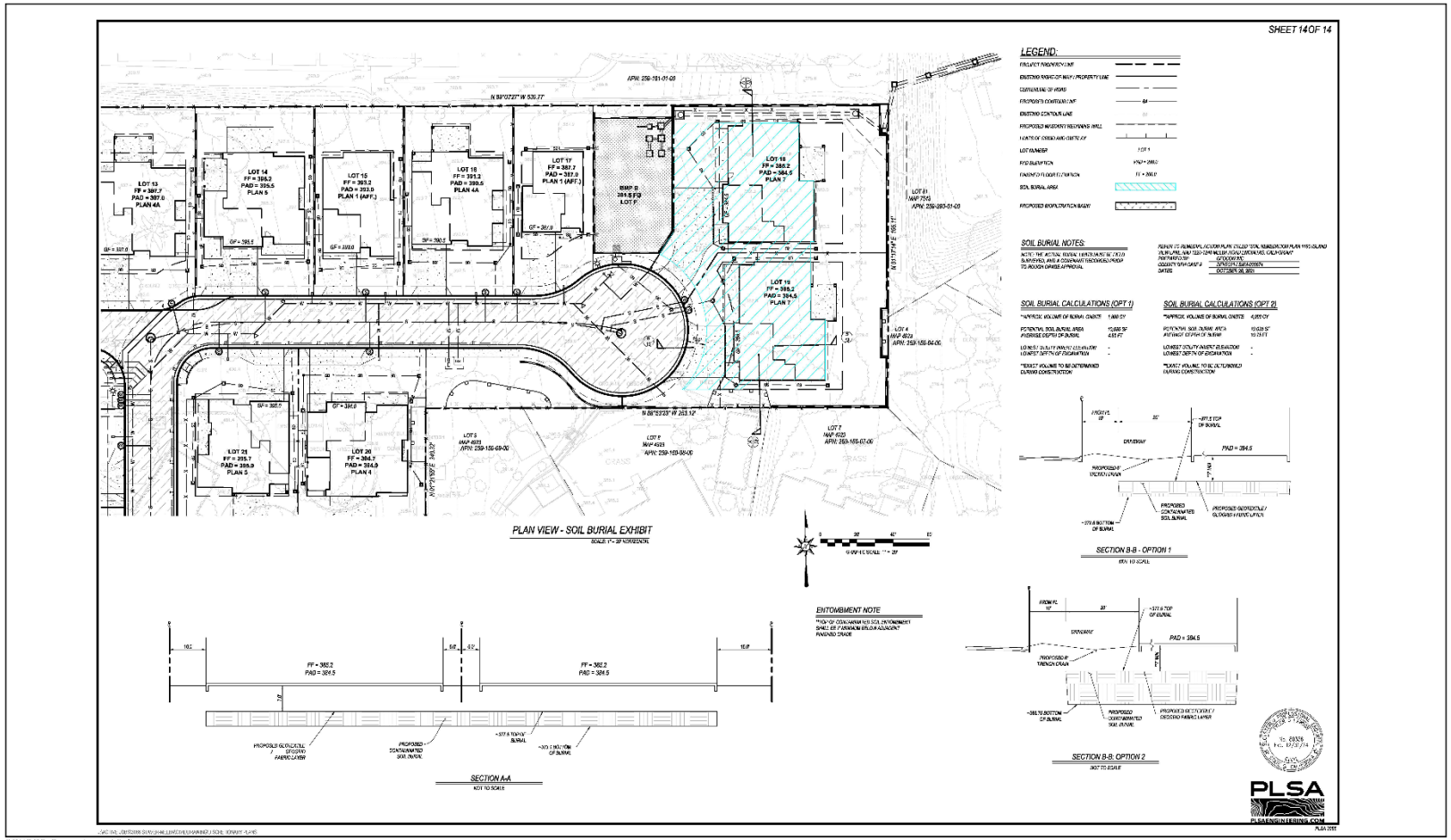

SOURCE: Pasco Laret Suiter, February 2024

Overall Remediation and Encapsulation Plan
Torrey Crest Residential Subdivision
Figure 3.5-4

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3.6. Hydrology and Water Quality

This section addresses potential hydrology and water quality impacts that may result from construction and/or operation of the proposed Torrey Crest Residential Subdivision Project. The following discussion addresses the existing conditions in the Project area; identifies applicable regulations; 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 *Preliminary Hydrology Report for Torrey Crest Tentative Map/Coastal Development Permit/Design Review 1220-1240 Melba Road/1190 Island View Lane* (Pasco Laret Suiter, 2024a; Appendix G), the *Stormwater Intake Form and Priority Development Project Stormwater Quality Management Plan* (Pasco Laret Suiter, 2024b; Appendix H-1), and the Stormwater Management Investigation (GeoCon, 2021b; Appendix H-2). Third party technical reports were reviewed by Willis Environmental Planning and the City of Encinitas.

3.6.1. Existing Conditions

3.6.1.1. Regional Hydrology and Water Quality

At the time the Notice of Preparation was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. The Project site is completely disturbed and previous uses have included those noted on **Table 2-4**, along with orchards and greenhouses. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle school.

The Project site is located within the Carlsbad Watershed Management Area (WMA), which is approximately 211 square miles. The Carlsbad WMA is formed by a group of six individual watersheds or hydrologic areas (HAs) in northern San Diego County (CWMARA, 2021). The City of Encinitas is situated entirely within the Carlsbad Hydrologic Unit (Carlsbad Watershed Management Area, 904) and is split between the San Marcos Watershed to the north and Escondido Creek Watershed to the south (City of Encinitas, 2019). The City is naturally divided by eight (8) distinct drainage areas (sub-basins), namely the Cardiff, Lower Escondido, La Orilla, La Costa South, Leucadia, Encinitas, Rancho Santa Fe, and Lux Canyon sub-basins (City of Encinitas, 2019). According to the *City of Encinitas Jurisdiction Urban Runoff Management Plan* (2019), the City drains to three creeks: Cottonwood Creek, Encinitas Creek, and Escondido Creek.

Cottonwood Creek drains the heart of Encinitas and discharges to the Pacific Ocean at Moonlight Beach. Based on the Final 2020-2022 California Integrated Report for Clean Water Act Sections 303(d) and 305(b), prepared by the State Water Board, Cottonwood Creek is a 303(d) listed impaired water body for benthic community effects, dichlorodiphenyltrichloroethane (DDT), indicator

bacteria[1], nitrogen, phosphorus, selenium, and toxicity. Further, the Pacific Ocean at Moonlight State Beach, where Cottonwood Creek meets the ocean, is listed as a 303(d) impaired water body for indicator bacteria and trash.

Encinitas Creek drains the north-central portion of the city into Batiquitos Lagoon which is designated as a Critical Coastal Area in the State of California 2002 Critical Coastal Areas Strategic Plan. Encinitas Creek is listed as a 303(d) impaired water body for benthic community effects, indicator bacteria, nitrogen, phosphorus, selenium, and toxicity (SWRCB, 2022a).

Escondido Creek also drains the southern and northeast (Olivenhain) portion of the city into San Elijo Lagoon. It is listed as a 303(d) impaired water body for benthic community effects, bifenthrin, cyfluthrin, cypermethrin, DDT, indicator bacteria, iron, manganese, nitrogen, phosphate, phosphorus, pyrethroids, selenium, sulfates, total dissolved solids, toxicity, and turbidity (SWRCB, 2022a). The San Elijo Lagoon is listed as a 303(d) impaired water body for eutrophic, indicator bacteria, dissolved oxygen, phosphorus, and sedimentation/siltation, toxicity and turbidity (SWRCB, 2022a).

3.6.1.2. Local Surface Waters and Drainage

The Project site is located within the Batiquitos Lagoon Hydrologic Subarea of the San Marcos Creek Hydrologic Area within the Carlsbad Watershed (904.51). The Project site contains an elevation change of approximately 34 feet. Existing drainage from the Project site drains via sheet flow because the Project site does not have any existing onsite storm drains or engineered systems. Runoff from the Project site discharges from five (5) main locations (Drainage Basins EX-1 through EX-5) and ultimately discharges to two major watersheds and receiving bodies, namely Moonlight State Beach and San Marcos Creek/Batiquitos Lagoon (Pasco Laret Suiter, 2024a ; Appendix G). Under existing conditions 61% of runoff is discharged to the Moonlight State Beach watershed and 39% is discharged to the San Marcos Creek/Batiquitos Lagoon watershed. Existing hydrology at the Project site is presented on **Figure 3.6-2a** and **Figure 3.6-2b**. Descriptions of the drainage basins on the Project site and their discharge points are provided below.

Drainage Basin EX-1

Drainage Basin EX-1 is an approximately 3.32-acre portion of the Project site which discharges from the southwest corner of the property to Melba Road, where it continues west past the intersection of Balour Drive to a low spot at the intersection of Melba Road and Evergreen Drive near Ocean Knoll Elementary. From here, it is routed northwest through the canyon north, eventually reaching infrastructure in Encinitas Boulevard (**Figure 3.6-2b**).

[1] Indicator bacteria (total coliform, fecal coliform, and enterococcus) are types of bacteria that are used to detect and estimate the level of bacterial and pathogen contamination in a waterbody.

Drainage Basin EX-2

Drainage Basin EX-2 is an approximately 0.75-acre portion of the Project site. Runoff from this basin is discharged from the Project site from the northwest and along Island View Lane heading west to Balour Drive (**Figure 3.6-2a**). Once in Balour Drive, the discharge is routed south to the intersection of Guadalajara Drive before continuing west to an existing curb inlet located at Guadalajara Drive and Avenida de San Clemente.

Runoff leaving to the west, along both Melba Road and Island View Lane, continues downstream towards Encinitas Boulevard, ultimately draining to the Pacific Ocean via Moonlight State Beach. The water quality of Moonlight Beach is presented above, under Section 3.6.1.1, *Regional Hydrology and Water Quality*.

Drainage Basins EX-3 and EX-4

Drainage Basin EX-3 is an approximately 0.99-acre portion of the Project site. Runoff from this basin discharges to the northeast corner of the Project site towards Witham Road into an existing brow ditch within a public drainage easement (**Figure 3.6-2a**). The ditch drains to the north through the rear yards of neighboring properties along Witham Road before outletting via an 18-inch storm drain connected to a curb outlet in a water line easement to the Witham Road curb face. The location of this drainage ditch presents access and maintenance challenges for the City of Encinitas Public Works Department to ensure proper drainage and conveyance over the long term and is prone to flooding due to lack of maintenance (Pasco Laret Suiter, 2024b; Appendix H-1).

From there, it continues north to a storm drain inlet at Witham Road and Beechtree Drive. Drainage Basin EX-4 is an approximately0.65-acre portion of the Project site. Runoff from this basin also discharges at the northeast corner of the Project site, but drains south of the existing drainage ditch (**Figure 3.6-2a**), where it travels through the adjacent properties, heads south on Witham Road, east on Crest Drive, and enters a curb inlet at the Hickoryhill Drive intersection.

Drainage Basin EX-5

Drainage Basin EX-5 is an approximately 0.96-acre portion of the Project site. Runoff from this basin discharges east of the Project site onto adjacent lots and eventually makes its way down to Crest Drive to confluence with basin EX-4 (**Figure 3.6-2a**). Runoff leaving the Project site to the northeast towards Witham Road, as well as the drainage reaching Crest Drive, eventually confluence in the storm drain infrastructure at the intersection of Encinitas Boulevard with N. El Camino Real. This system ultimately continues to route drainage north to an outlet to the natural Encinitas Creek channel on the north side of Garden View Lane. This channel then eventually discharges into San Marcos Creek, a tributary of the Batiquitos Lagoon. The water quality of San Marcos Creek and Batiquitos Lagoon is presented above, under *Regional Hydrology and Water Quality.*

Off-Site Run-On

The Project site receives off-site run-on from adjacent properties to the east, namely 1250 and 1274 Melba Road. This off-site run-on is conveyed onto the Project site and discharged at the Melba Road curb face along with the Drainage Basin EX-1 outlet (Pasco Laret Suiter, 2024a). The remainder of 1250 and 1274 Melba Road, as well as other properties further east, drain away from the Project site and towards Crest Drive. Existing slopes and improvements for Oak Crest Middle School to the north prevent any discharge onto the Project site via the northern property boundary, and Melba Road and the properties to the west are at lower elevations downstream.

TABLE 3.6-1: EXISTING PEAK STORMWATER FLOW GENERATION

Drainage Basin	Size (Acres)	Peak Flow Generated Q_{100} (cfs)
Basin EX-1	3.32	8.46
Basin EX-2	0.75	2.02
Subtotal Moonlight State Beach Watershed	**4.07 (61%)**	**10.48**
Basin EX-3	0.99	2.23
Basin EX-4	0.65	1.58
Basin EX-5	0.96	2.59
Subtotal San Marcos Creek / Batiquitos Lagoon Watershed	**2.6 (39%)**	**6.40**
TOTAL	**6.67**	**16.88**

Note: cfs = cubic feet per second. Q_{100} denotes run-off from a 100-year, 6-hour storm event.
Source: Pasco Laret Suiter, 2024a.

3.6.1.3. Flooding

As illustrated on Federal Emergency Management Agency (FEMA) map panel 06073C1042H (dated December 20, 2019), the entire Project site is located in "Flood Zone X", an area of minimum flood hazard (FEMA, 2019). Both the Project site and surrounding area are located outside of a FEMA-mapped 100-year floodplain (**Figure 3.6-1**) and the potential for flooding to occur is minimal.

3.6.1.4. Water Quality

Surface Water Quality

In general, stormwater can potentially contain a host of pollutants. The most common pollutants in runoff discharged from the MS4s include total suspended solids, sediment, pathogens (e.g., bacteria, viruses, protozoa), heavy metals (e.g., cadmium, copper, lead, and zinc), petroleum products and polynuclear aromatic hydrocarbons, synthetic organics (e.g., pesticides, herbicides, and PCBs), nutrients (e.g., nitrogen and phosphorus), oxygen-demanding substances (e.g., decaying vegetation,

animal waste), detergents, and trash (Source RWQCB, MS 4 Permit).These contaminants can adversely affect receiving and coastal waters, flora and fauna, and public health. Water quality issues are especially prevalent during rainy periods. However, with non-stormwater urban runoff (i.e., irrigation or car washing) also entering the storm drain system, stormwater pollution can be a year-round problem. The water quality of main receiving waters for the Region and Project site is presented under *Regional Hydrology and Water Quality*.

Groundwater Quality

A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers which have reasonably well-defined boundaries. The Project site is not underlain by any mapped groundwater basin. The nearest groundwater basin is the San Elijo Valley Basin (9-023), located 1.64 miles due east of the Project site (California Dept. of Water Resources, 2020).

According to the Project's Geotechnical Investigation, no groundwater or seepage was encountered during the site investigation. The groundwater table is anticipated to be at least 150 feet below existing grade and no groundwater is expected to be encountered during Project construction (Geocon, 2021b).

3.6.2. Regulatory Framework

3.6.2.1. Federal

Clean Water Act

The federal Water Pollution Control Act of 1972 (or Clean Water Act [CWA]) is the principal statute governing water quality. It establishes the basic structure for regulating discharges of pollutants into the waters of the United States and gives the US Environmental Protection Agency (EPA) authority to implement pollution control programs, such as setting wastewater standards for industry. The statute's goal is to completely end all discharges and to restore, maintain, and preserve the integrity of the nation's waters. The CWA regulates direct and indirect discharge of pollutants; sets water quality standards for all contaminants in surface waters; and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under its provisions. The CWA mandates permits for wastewater and stormwater discharges; requires states to establish site-specific water quality standards for navigable bodies of water; and regulates other activities that affect water quality, such as dredging and the filling of wetlands. The CWA funds the construction of sewage treatment plants and recognizes the need for planning to address nonpoint sources of pollution.

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA establishes the basic structure

for regulating discharges of pollutants into the waters of the United States (U.S.) and has given the Environmental Protection Agency (EPA) the authority to implement pollution control programs. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and is within the jurisdiction of the San Diego RWQCB, Region 9.

Section 401 of the CWA requires that prior to issuance of any federal permit or license to conduct any activity that may result in any discharge 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 of the CWA requires a permit for all point source (a discernible, confined, and discrete conveyance, such as a pipe, ditch, or channel) discharges of any pollutant (except dredge or fill material) into waters of the United States.

Section 404 Section 401 of the CWA (Discharge of Dredged or Fill Materials) establishes programs to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. When an application for a Section 404 permit is made, the applicant must show that steps have been taken to avoid impacts to wetlands or waters of the United States where practicable, minimize unavoidable impacts on waters of the United States and wetlands, and provide mitigation for unavoidable impacts. Section 404 requires a permit for construction activities involving placement of any kind of fill material into waters of the United States or wetlands. A Water Quality Certification pursuant to CWA Section 401 is required for Section 404 permit actions.

Section 303(d) of the CWA requires that states assess the quality of their waters every two years and publish a list of those waters not meeting water quality standards. For water bodies placed on the 303(d) List of Water Quality Limited Segments, states are required to develop total maximum daily loads (TMDLs) for the pollutant(s) that are causing standards impairment. Once a water body is placed on the 303(d) List of Water Quality Limited Segments, it remains on the list until a TMDL is adopted and/or water quality standards are attained.

National Pollutant Discharge Elimination System

Under the National Pollutant Discharge Elimination System (NPDES) program (under Section 402 of the CWA), all facilities that discharge pollutants from any point source into waters of the United States must have a NPDES permit. The term “pollutant” broadly applies to any type of industrial, municipal, and agricultural waste discharged into water. Point sources can be publicly owned treatment works (POTWs), industrial facilities, and urban runoff. (The NPDES program addresses certain agricultural activities, but the majority are considered nonpoint sources and are exempt from NPDES regulation.) Direct sources discharge directly to receiving waters, and indirect sources

discharge to POTWs, which in turn discharge to receiving waters. Under the national program, NPDES permits are issued only for direct, point-source discharges. The National Pretreatment Program addresses industrial and commercial indirect dischargers. Municipal sources are POTWs that receive primarily domestic sewage from residential and commercial customers. Specific NPDES program areas applicable to municipal sources are the National Pretreatment Program, the Municipal Sewage Sludge Program, Combined Sewer Overflows, and the Municipal Storm Water Program. Nonmunicipal sources include industrial and commercial facilities. Specific NPDES program areas applicable to these industrial/commercial sources are: Process Wastewater Discharges, Non-process Wastewater Discharges, and the Industrial Storm Water Program. NPDES issues two basic permit types: individual and general. Also, the EPA has recently focused on integrating the NPDES program further into watershed planning and permitting.

The NPDES has a variety of measures designed to minimize and reduce pollutant discharges. All counties with storm drain systems that serve a population of 100,000 or more, as well as construction sites one acre or more in size, must file for and obtain an NPDES permit. Another measure for minimizing and reducing pollutant discharges to a publicly owned conveyance or system of conveyances (including roadways, catch basins, curbs, gutters, ditches, man-made channels and storm drains, designed or used for collecting and conveying stormwater) is the EPA's Storm Water Phase I Final Rule. The Phase I Final Rule requires an operator (such as a city) of a regulated municipal separate storm sewer system (MS4) to develop, implement, and enforce a program (e.g., best management practices [BMPs], ordinances, or other regulatory mechanisms) to reduce pollutants in postconstruction runoff to the city's storm drain system from new development and redevelopment projects that result in the land disturbance of greater than or equal to one acre.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA also issues Flood Insurance Rate Maps that identify which land areas are subject to flooding. These maps provide flood information and identify flood hazard zones in the community. The design standard for flood protection is established by FEMA. FEMA's minimum level of flood protection for new development is the 100-year flood event, also described as a flood that has a 1-in-100 chance of occurring in any given year.

3.6.2.2. State

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act (Water Code Sections 13000 et seq.) is the basic water quality control law for California. Under this Act, the State Water Resources Control Board (SWRCB) has ultimate control over state water rights and water quality policy. In California, the EPA has delegated authority to issue NPDES permits to the SWRCB. The state is divided into nine

regions related to water quality and quantity characteristics. The SWRCB, through its nine Regional Water Quality Control Boards (RWQCBs), oversees the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a water quality control plan or basin plan that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region's ground and surface water, and local water quality conditions and problems. Encinitas is in the San Diego Basin, Region 9, in the Upper Santa Ana Watershed. The water quality control plan for the San Diego Basin was updated in 2020. This Basin Plan gives direction on the beneficial uses of the state waters in Region 9; describes the water quality that must be maintained to support such uses; and provides programs, projects, and other actions necessary to achieve the standards in the Basin Plan.

Construction Stormwater General Permit Order 2022-0057-DWQ (adopted September 8, 2022)

Pursuant to Section 402(p) of the Clean Water Act, which requires regulations for permitting of certain storm water discharges, the State Water Resources Control Board (SWRCB) has issued a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities discussed below (Construction General Permit, NPDES No. CAS000002, SWRCB Order 2022-0057-DWQ[2]. Under the Construction General Permit, storm water discharges from construction sites with a disturbed area of one acre or more or from construction sites that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity. For the Torrey Crest Residential Subdivision Project site, the Construction General Permit is implemented and enforced by the San Diego RWQCB. Because San Diego RWQCB has adopted a municipal permit that includes post construction requirements, the Project will be required to meet the standards established in the City's Jurisdictional Urban Runoff Management Plan and through the preparation and implementation of a Storm Water Management Plan (SWMP).

To obtain coverage under the Construction General Permit the following Permit Registration Documents (PRDs) must be filed with the SWRCB prior to the commencement of construction activity:

- Notice of Intent (NOI) notify the SWRCB of the applicant's intent to obtain coverage under, and to comply with, the Construction General Permit;
- Risk Assessment;
- Site Map;
- Storm Water Pollution Prevention Plan (SWPPP);

[2] Adopted by the State Water Resources Control Board September 8, 2022. This Order supersedes Order 2009-0009-DWQ as amended by Order 2010-0014-DWQ and 2012-0006-DWQ.

- Construction Site Monitoring Program that describes methods and procedures for monitoring discharges in accordance with all applicable regulations; and,
- The appropriate permit fee.

The SWPPP, which must be prepared by a Qualified SWPPP Developer (QSD), would include a description and location of site-specific best management practices (BMPs) to prevent grading/construction-related pollutants (including sediment from erosion) from contacting stormwater and from moving off-site into receiving waters, as well as elimination/reduction of non-stormwater discharges and inspection of all BMPs.

The primary objective of the SWPPP is to ensure that the responsible party properly construct, implement, and maintain BMPs to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site. The SWPPP outlines the monitoring and sampling program to verify compliance with discharge NALs according to the Risk Level for the site, as set by the Construction General Permit and would contain requirements for post-construction stormwater management in the form of long-term BMPs, particularly for impervious surface runoff. Additionally, a project's SWPPP must identify all pollutants, their sources and control mechanisms including sources of sediment associated with all construction activities as well as a description of spill and leak prevention response plan.

The discharger must also electronically certify and submit an Annual Report through the SWRCB's Stormwater Applications and Reports Tracking System (SMARTS) and retain a copy of each Annual Report for a minimum of three years

3.6.2.3. Regional

Water Quality Control Plan for the San Diego Basin

The San Diego Basin, as amended, encompasses approximately 3,900 square miles and is divided into 11 major hydrologic units, 54 hydrologic areas, and 147 hydrologic subareas. The San Diego RWQCB Basin Plan has been designed to preserve and enhance water quality and protect the beneficial uses of all regional waters (RWQCB, 2021). Specifically, the Basin Plan: (1) designates beneficial uses for surface and ground waters; (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's antidegradation policy; (3) describes implementation programs to protect the beneficial uses of all waters in the Region; and (4) describes surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan. Additionally, the Basin Plan incorporates by reference all applicable State and Regional Board plans and policies.

Table 2-3 of 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)

Table 2-2 of the Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses associated with Moonlight Creek and Encinitas Creek:

- Municipal and Domestic Supply (MUN)
- Agricultural Supply (AGR)
- Contact Water Recreation REC-1)
- Non-contact Water Recreation REC-2)
- Warm Freshwater Habitat (WARM)
- Cold Freshwater Habitat (COLD)
- Wildlife Habitat (WILD)
-

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. In May 2013, the San Diego Regional Water Quality Control Board (RWQCB) adopted Order R9-2013-0001– *National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4) Draining the Watersheds within the San Diego region*. The MS4 Permit, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 NPDES No. CAS0109266, implements a regional strategy for water quality and related concerns and mandates a watershed-based approach that often encompasses multiple jurisdictions. The overall permit goals include:

(1) providing a consistent set of requirements for all co-permittees; and

(2) allowing the co-permittees to focus their efforts and resources on achieving identified goals and improving water quality, rather than just completing individual actions (which may not adequately reflect identified goals).

Under this approach, the Copermittees are tasked with prioritizing their individual water quality concerns, as well as providing implementation strategies and schedules to address those priorities. The water quality improvement goals and strategies must address the highest priority water quality

conditions by effectively prohibiting non-storm water discharges to the MS4, reducing pollutants in storm water discharges from the MS4 to the maximum extent practicable (MEP), and protecting the water quality standards of receiving waters.

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.

To further the Clean Water Act's objective to protect, preserve, enhance, and restore the water quality and designated beneficial uses of waters of the State, the MS4 permit requires Copermittees to develop a Water Quality Improvement Plan (WQIP) for each of the nine (9) Watershed Management Areas (WMAs) within RWQCB Region 9. As a Copermittee of the MS4 Permit, the City of Encinitas is required 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. The Carlsbad Watershed Management Area Water Quality Improvement Plan (Carlsbad WQIP) was developed in response to the 2013 Permit's requirements.

Carlsbad Watershed Management Area Water Quality Improvement Plan

WQIPs are developed through a collaborative effort between the Copermittees in each WMA and other key stakeholders. The WQIPs include descriptions of the highest-priority pollutants or conditions in a specific watershed, goals and strategies to address those pollutants or conditions, and schedules for achieving the goals and strategies.

The Carlsbad Watershed Management Area Water Quality Improvement Plan (WQIP) was prepared by the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, Vista, and the County of San Diego to help guide their Jurisdictional Runoff Management Programs (JRMPs) towards achieving improved water quality in Municipal Separate Storm Sewer Systems (MS4) discharges and other receiving waters. The Carlsbad WQIP:

1) Prioritizes water quality conditions within each hydrologic area
2) Identifies the highest priority water quality conditions for each hydrologic area.
3) Identifies those sources posing the greatest threat to water quality.
4) Presents a list of potential water quality improvement strategies that can be implemented either jurisdictionally or in cooperation with other responsible agencies or entities, with the goal of improving water quality.

5) Identifies areas of focus where numeric goals will be established, and water quality improvement strategies.
6) Numeric goals and schedules for improvements to water quality and water quality conditions.

The identified strategies represent the activities the RAs will implement to make water quality improvements that will have positive impacts on the selected highest and priority water quality conditions.

3.6.2.4. Local

City of Encinitas Jurisdictional Runoff Management Program

The most recent MS4 Permit requires the City of Encinitas and the other 20 municipal agencies(co-permittees) in San Diego County to prepare both jurisdictional and watershed scale plans that detail how they will comply with the new requirements. Each agency, including the City, prepares its own Jurisdictional Runoff Management Program (JRMP).

The City of Encinitas JRMP (2019) sets forth strategies, standards, and protocols to address the priorities and goals established in the WQIP. The purpose of that document is to present an integrated programmatic approach to reducing the discharge of pollutants from the MS4 to the maximum extent practicable 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 the Municipal Stormwater Permit and serves as the implementation mechanism for WQIP strategies. The highest-priority water quality conditions applicable to the City in the Water Quality Improvement Plan WQIP) for the Carlsbad Watershed Management Area are discharges of bacteria (City of Encinitas, 2019a). The JRMP also details how the City will meet the minimum requirements outlined in Provision E.4 of the Municipal Permit to reduce the release of pollutants into the storm drain system to the maximum extent practicable (MEP).

As noted in the JRMP, the City has established BMP requirements for construction sites, as detailed in the Stormwater Standards Manual (Appendix C). Construction sites within the City' s jurisdiction are required to implement and maintain general site management BMPs and erosion and sediment control BMPs to reduce, retain, and manage pollutant discharges to the MEP. The City emphasizes erosion control BMPs as the primary approach to reducing pollution in discharges from construction sites. All implemented BMPs must be properly maintained until they are removed.

The City has also established an inspection program to evaluate proper BMP implementation at construction sites within the City' s jurisdiction (City of Encinitas, 2019a). The inspection program is designed to confirm sites reduce the discharge of pollutants in stormwater to the MEP and effectively prohibit non-stormwater discharges. Designated minimum BMPs are required for all

construction sites, especially during the rainy season. These minimum BMPs include, but are not limited to, the following:

- Erosion prevention;
- Sediment controls ;
- Minimization of exposed soil areas and exposure time;
- Temporary or permanent stabilization of areas of exposed soil as soon as feasible;
- Prevention of non-stormwater discharges to the MEP; and,
- Good housekeeping at all times.

Engineering Division inspection staff perform regularly scheduled site inspections to ensure BMPs are implemented consistent with the Erosion Control Plan and the City's BMP requirements during all stages of development.

City of Encinitas Stormwater Best Management Practices Manual, Part II

The City of Encinitas Stormwater Best Management Practices Manual, Part II (BMP Manual) addresses updated stormwater requirements and defines the formal process and procedure to select and design BMPs for development projects. The purpose of the BMP Manual is to ensure compliance with minimal local standards in conformance with the MS4 Permit.

City of Encinitas Stormwater Standards Manual

The Encinitas Stormwater Standards Manual (Manual) is used in conjunction with the City of Encinitas Stormwater Management and Discharge Control Ordinance (Stormwater 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 (City of Encinitas, 2015). The purposes of the Stormwater Standards Manual are to establish clear minimum stormwater management requirements and controls, and to support the following objectives

- Prohibiting non-Stormwater discharges to the Stormwater Conveyance System;
- Eliminating pollutants in Stormwater to the Maximum Extent Practicable, including pollutants from both point and non-point sources;
- Prohibiting activities which cause, or contribute to, exceedance of state and federal Receiving Water Quality objectives.
- Protecting Watercourses from disturbance and pollution.

The requirements described in the Manual are primarily in the form of best management practices (BMP) to be used to reduce the amount of pollutants discharged to the City's Stormwater Conveyance System. Construction sites are required to implement BMPs presented on Table 2 of

the Manual to reduce discharges of sediment and other pollutants associated with construction activities. A development project's construction -related BMPs must be in accordance with the BMP standards in this manual and must be shown on the project's Erosion Control Plans. Post-construction BMP requirements applicable to development projects are provided in the Encinitas Engineering Design Manual.

Prior to start of construction activities, project proponents are required to present the planned BMPs that meet the requirements specified in the Stormwater Standards Manual to the City for compliance review.

Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and a policies designed to shape the long-term development of the City, as well as protect its environmental, social, cultural and economic resources.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[3], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant public service and facility goals and policies for the Project in effect on April 21, 2021 include:

Land Use Element

Policy 2.8:	Development shall not be permitted where it will result in significant degradation of ground, surface, or ocean water quality, or where it will result in significant increased risk of sewage overflows, spills, or similar accidents. (Coastal Act/30231)

Resource Management Element

GOAL 1:	**The city will conserve, protect, and enhance the water resources in the planning area. (Coastal Act / 30231)**
GOAL 2:	**The city shall make every effort to improve water quality. (Coastal Act / 30231)**

[3] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

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 or human health. (Coastal Act/30230/30231)
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. (Coastal Act/30230/30231/30233)

City of Encinitas Municipal Code

EMC 20.08 Stormwater Management (Ordinance 2015-07)

The purpose of this chapter is to protect the health, safety and welfare of the public by regulating all discharges into the Stormwater Conveyance System and the Waters of the State in order to preserve and enhance water quality for beneficial uses. Chapter 20.08 promotes these purposes by:

A. Prohibiting non-stormwater discharges to the Stormwater Conveyance System;

B. Eliminating pollutants in stormwater to the Maximum Extent Practicable, including pollutants from both point and non-point sources;

C. Prohibiting activities which cause, or contribute to, exceedance of state and federal Receiving Water quality objectives; and

D. Protecting Watercourses from disturbance and pollution.

The intent of this Chapter is to use the police power of the City to protect, enhance, and regulate water quality in a manner which complies with all applicable laws related to water quality, including the federal Clean Water Act, the State Porter-Cologne Water Quality Control Act, and the California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001[4] adopted on May 8, 2013, NPDES No. CAS0109266 and any subsequent amendments, revisions, or reissuance of the permit. No land owner or development project proponent shall receive any City grading, clearing, building or other land development permit required for land disturbance activity without first meeting the requirements of this Chapter and the Stormwater Standards Manual with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

[4] San Diego Regional MS4 Permit.

EMC 23.24 Grading, Erosion and Sediment Control Ordinance

This chapter establishes minimum requirements for grading, excavating and filling of land, requirements for the issuance of grading permits, and to provides for the enforcement of the requirements. It ensures that soil erosion, sedimentation, and stormwater runoff are regulated to reduce, to the maximum extent practicable, pollutants entering wetlands, the stormwater conveyance system and Waters of the State to protect water quality. It also implement provisions of the Encinitas General Plan and certified Local Coastal Program Land Use Plan.

3.6.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a hydrology/water quality impact would be significant.

3.6.3.1. Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if it would:

1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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 resources of polluted runoff.

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.

3.6.3.2. 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. This evaluation of potential impacts on hydrology and water quality must considers 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 design features that have been incorporated into the Project to avoid, reduce, or offset potential impacts.

3.6.4. Analysis of Project Effects and Significance Determination

Impact 3.6-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Stormwater runoff generally discharges into storm drains and/or flows directly to creeks, rivers, lakes, and the ocean. If polluted, it can result in harmful effects on drinking water, recreational water, and wildlife. The characteristics of stormwater runoff depend on site conditions (e.g., land use, impervious cover, pollution prevention, types and amounts of best management practices), rain events, soil type and particle sizes, multiple chemical conditions, the amount of vehicular traffic, and atmospheric deposition. Major pollutants typically found in runoff include sediments, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, pathogens, and bacteria. The majority of stormwater discharges are considered nonpoint sources and are regulated by an NPDES Municipal General Permit or Construction Stormwater General Permit.

A net effect of development can be to increase pollutant export to adjacent streams and downstream receiving waters. However, an important consideration in evaluating stormwater quality from a site is to assess whether it impairs the beneficial use of the receiving waters. Receiving waters can assimilate a limited quantity of various constituent elements, but there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact.

Construction

Potential water quality impacts associated with construction activities include the discharge of construction-related sediment and hazardous materials (e.g., fuels). However, by securing a grading permit for the Project; obtaining coverage under the State General Construction Stormwater Permit; and implementing best management practices during construction as required by a SWPPP and which meet the requirements specified in the City's Stormwater Standards Manual, temporary construction-related water quality impacts would be reduced to less than significant.

Pursuant to the requirements of the San Diego RWQCB, the Project Applicant would be required to obtain coverage under the NPDES General Construction Stormwater Permit (Order 2022-0057-DWQ) for construction activities. Coverage under the NPDES permit is required for all development projects that include construction activities, such as clearing, grading, and/or excavation, and which disturb at least one (1) acre of total land area. In addition, the Project Applicant would be required to comply with the City's Storm Water Standards and Grading, Erosion and Sediment Control Ordinance. Compliance with the General Construction Stormwater Permit and the City's Storm Water Standards and Grading, Erosion and Sediment Control involves the preparation and implementation of a SWPPP and Erosion Control Plan for construction-related activities. The SWPPP specifies the BMPs that would be required to be implemented during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydroseeding. Mandatory compliance with the SWPPP would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Therefore, temporary construction-related water quality impacts would be less than significant.

Operations

Potential pollutants due to long-term occupancy and operations of the Project include litter, trash, and debris; bacteria and viruses from pet feces; oil, grease, metals, and toxic chemicals from vehicle hydrocarbons; and sediments, nutrients, pesticides, and fertilizers. In the existing condition, runoff leaves the site from five (5) main locations as depicted on **Figure 3.6-2a** and **Figure 3.6-2b**, *Existing Hydrology,* and is ultimately routed to two (2) watershed and receiving bodies. These include the Pacific Ocean via Moonlight State Beach, and the natural Encinitas Creek channel on the north side of Garden View Lane and San Marcos Creek, a tributary of the Batiquitos Lagoon. Additionally, the Project site accepts off-site run-on from adjacent properties to the east, namely 1250 and 1274 Melba Road.

Upon completion of construction, runoff from the Project site would be captured and routed to two (2) separate drainage basins referred to herein as Basins PR-1, PR-2, or Biofiltration Basin A and Biofiltration Basin B, respectively (see **Figures 3.6-3a and 3.6-3b, *Proposed Hydrology***). To eliminate cross-lot drainage conditions, all lots aside from the self-mitigating areas will be graded to drain from the rear to the face of the new private road. Once runoff reaches the private road, the grading of the road will direct the water to proposed curb inlets adjacent to the two biofiltration and detention systems.

Runoff from the northern portion of the site would be routed to Biofiltration Basin B (3,778 SF), located within Lot 17. It would discharge to Witham Road. To alleviate occasional flooding, the Applicant obtained a private stormwater easement through the existing lot at 240 Witham Road.

Stormwater runoff would no longer be routed to the existing brow ditch, but instead would be rerouted to and collected within Biofiltration Basin B. This biofiltration basin will discharge to a new 18-inch HDPE private stormwater pipeline located within the new stormwater easement and discharge to the curb outlet on Whitham Road. From there it would flow east to Crest Drive and eventually discharge into San Marcos Creek, a tributary of the Batiquitos Lagoon.

Runoff from the southern portion of the site would be routed to Biofiltration Basin A (9,141 SF) located within the southern portion of Lot 1 and outlet at the curb face along Melba Road.

Both biofiltration basins would provide pollutant control as well as hydromodification management and mitigation of the 100-year, 6-hour storm event peak flow rate. The basins will serve to capture, treat, and detain storm water and are composed of a cross-section of an engineered soil, storage layer, and hydraulic mulch on the surface. Runoff from higher frequency, lower intensity storm events will first be filtered through the Basin section and enter a detention system located beneath the Basin. Basin PR-1 (Biofiltration Basin A) would be equipped with five (5) Brooks Boxes: one 12-inch x 12-inch, one 18-inch x 18-inch, one 24-inch x 24-inch and two 36-inch x 36-inch with two 3-inch x 19-inch midflow orifices.

Basin PR-4 (Biofiltration Basin B) would be equipped with six Brooks Boxes; five 36-inch x 36-inch and one 24-inch x 24-inch with three 3-inch x 23-inch midflow orifices. The basins emergency outlet structures will convey stormwater during high intensity storm events, providing additional capacity and sized to convey the unmitigated peak flows assuming a 50% clogging factor.

Both biofiltration basins would be maintained in perpetuity by the Homeowner's Association, as required by the City. Additionally, two small self-mitigating areas in the rear yards of Lot 1 and Lots 25/26 to accommodate existing topography around large trees have been included in the project design.

Table 3.6-2 presents a comparison of the peak runoff generated in the existing and post-project condition, with and without the proposed biofiltration/detention basin. As shown on **Table 3.6-2**, there would be an increase in peak runoff in the post-project condition compared to the existing condition due to the increase in hardscape without detention (Post-project Unmitigated). With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage from the Project site would be approximately 6.63 cubic feet per second (cfs) when compared to flows under existing conditions of 16.88 cfs (see **Table 3.6-2, Stormwater Flow Generation under Pre- and Post-Project Conditions**). The proposed biofiltration/detention basin would be designed to accommodate the increase in peak runoff generated by the Project and would mitigate peak flows to below pre-developed conditions. The Project has been designed and would be graded in a way to minimize earthwork to the greatest extent feasible and maintain historic drainage patterns, while also alleviating existing cross-lot drainage concerns and preventing water from entering a substandard drainage conveyance system to the northeast of the property.

TABLE 3.6-2: STORMWATER FLOW GENERATION – PRE AND POST PROJECT CONDITIONS

Pre-Project (Existing Condition)			Post Project Condition			
Drainage Area	Size (Acres)	Peak Flow (1) (cfs)	Drainage Area	Size (Acres)	Peak Flow (1) (cfs)	
					Unmitigated	Mitigated
EX-1	3.32	8.46	PR-1 and OFF-1	4.04	15.34	6.33
EX-2	0.75	2.02	PR-4	Included below	0.07	0.07
Subtotal Moonlight State Beach Watershed	***4.07 (61%)***	***10.48***		***4.04 (61%)***	***15.41***	***6.40***
EX-3	0.99	2.23	PR-2	0.02	0.01	0.01
			PR-3	0.004		
EX-4	0.65	1.58	PR-4 [EX-2; EX-3; EX-4; portion of EX-1 and EX-5]	2.62	8.82	0.18
EX-5	0.96	2.59	incl. above	incl. above	incl. above	incl. above
Subtotal San Marcos Creek / Batiquitos Lagoon Watershed	***2.6 (39%)***	**6.40**		**2.624 (39%)**	**8.83**	**0.19**
TOTAL	**6.67**	**16.88**		**6.67**	**24.24**	**6.59**

Note: (1) denotes Q_{100} runoff during a 100-year, 6 hour storm event
cfs = cubic feet per second. DNE = Does not existing in post-project conditions.
PR-1 and OFF-1 = EX -1; EX-2 minus PR-2; EX-3 minus PR-3;EX-4 minus PR-4; and EX-5.

Source: Pasco Laret Suiter, 2024a.

The Project would result in an increase in impervious surfaces which would increase storm flows and provide a source for sediment and other pollutants to enter receiving waters. However, the Project Applicant would be required to prepare and implement a Storm Water Quality Management Plan (SWQMP), which is a Project site-specific post-construction water quality management program designed to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters, under long-term conditions via BMPs. Implementation of the SWQMP ensures on-going, long-term protection of the watershed basin. The Project's SWQMP, prepared by Pasco Laret Suiter & Associates, Inc., is included as *Appendix H-1. Project* design would conform to the applicable City and NPDES storm water standards to address potential long-term pollutant generation from proposed development, including the use of appropriate postconstruction LID site design, source control, structural/pollutant control, and hydromodification management BMPs.

Based on the implementation of the Project design elements, including construction and post-construction BMPs, related maintenance efforts, and compliance with City's standards and regulations, the Project would not result in an increase in pollutant discharges to receiving waters

during or following construction. Potential construction and long-term project-related pollutant discharge and water quality impacts would be less than significant and no mitigation would be required.

Impact 3.6-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

As described in Section 2.3.7, Proposed Utility and Infrastructure Improvements, potable water service would be provided to the Project site by the San Dieguito Water District (SDWD). Per the SDWD's *2020 Urban Water Management Plan*, the District has sufficient water to meet its customers' needs through 2045 (SDWD, 2021).

The Project does not include the use of groundwater wells or development activities that could otherwise deplete groundwater supplies and is not located within a groundwater basin that is used for water supply or subject to the Sustainable Groundwater Management Act. While development of the Project would increase the amount of impervious area onsite from 18.4% (1.04 acres) to 62% (4.00 acres), infiltration would be maintained through Project design including the detention basins and low impact design requirements of the MS4 permit. This includes management practices, control techniques, system design and engineering methods, and other measures as appropriate. The proposed Project would not substantially decrease groundwater supplies nor interfere substantially with groundwater recharge. Potential impacts to groundwater supplies would be less than significant. No mitigation would be required.

Impact 3.6-3a: 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.

The Project would not alter the course of a stream or river because such features are not present on-site. However, the project would alter the site from an undeveloped condition to a developed one, thereby resulting in an increase in impervious on-site surface area as described in Impact 3.6-2. While stormwater runoff from the site generally sheet flows across the site untreated under current conditions, the proposed improvements (e.g., landscaped areas, stormwater infrastructure) would reduce the potential for erosion and siltation to occur, thereby contributing to improved overall stormwater quality.

The Project as designed would not substantially alter the historic drainage pattern of the site. Further, the project design includes construction of a biofiltration/retention basin to meet the treatment and flow control requirements listed in the City of Encinitas *BMP Manual* for post-construction BMPs.

Implementation of BMPs during construction as required by the SWPPP would ensure that project construction does not result in substantial erosion or siltation on- or off-site. Post- construction BMPs described in the SWQMP would also ensure that development of the project site does not result in erosion or siltation effects over the long term; refer to Appendix H-1.

As discussed in Impact 3.8-1, incorporation of proposed site improvements and BMPs would reduce stormwater flows from 16.88 cfs (pre-project conditions) to approximately 6.59 cfs. The site has been designed and would be graded in a way to minimize earthwork to the greatest extent feasible and maintain historic drainage patterns, while also alleviating existing cross-lot drainage concerns and prevent water from entering a substandard drainage conveyance system to the northeast of the property. As such, the project would not substantially alter existing on-site drainage patterns but would instead maintain and improve on-site stormwater drainage; see also Appendix H-1.

For the reasons above, the Project would not result in a "substantial" change in drainage patterns that would cause substantial erosion or siltation on- or off-site, nor substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant and no mitigation would be required.

Impact 3.6-3b: 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

See Impact 3.6-3a.

Impact 3.6-3c: 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 substantially increase the rate or amount of surface runoff 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 resources of polluted runoff.

As discussed in the Preliminary Hydrology Study (Appendix G), the proposed drainage would be captured and conveyed to a large biofiltration basin facility located at the low end of the drainage basin, near the property boundary, by means of curb and gutter flow in the private road as well as onsite private storm drain piping. The biofiltration basins would serve to capture, treat, and detain storm water and are composed of a cross-section of an engineered soil, gravel storage layer, and hydraulic mulch. Runoff would be filtered through the basin section and enter a subdrain system, which would convey treated water to an outlet structure and outfall pipe that would direct runoff offsite.

Based on the preliminary hydrology analysis for the existing and proposed condition, there would be a decrease in peak flowrate from 16.88 cfs to 6.63 cfs with the Project. The biofiltration/detention basin would act to reduce and slow the release of the volume of storm runoff. Potential drainage impacts would be reduced to less than significant. No mitigation would be required.

Impact 3.6-4: Project increases in flood hazards, tsunami, or seiche zones, risk release of pollutants due to project inundation.

As illustrated on Federal Emergency Management Agency (FEMA) map panel 06073C1042H (dated December 20, 2019), the entire Project site is located in "Flood Zone X", an area of minimum flood hazard (FEMA, 2019). Both the Project site and surrounding area are located outside of a FEMA-mapped 100-year floodplain (**Figure 3.6-1**). The Project would not result in an increase in in flood hazards. The potential for flooding to occur at the Project site is minimal as is the risk related to the release of pollutants due to project inundation.

According to the California Tsunami Inundation Map for the Encinitas Quadrant (California Emergency Management Agency, 2009), the Project site is not located in a tsunami inundation area. Seiches are standing waves that occur on the surface of inland bodies of water (i.e., lakes, harbors, bays, or reservoirs) and are typically caused by seismic activity. The Project site is not within the inundation zone of the San Dieguito Reservoir, which is the nearest inland water body and thus, would not be affected by a seiche if a seismic event were to occur.

As the potential for project inundation relative to flood hazard, tsunami, or seiche zones is low, implementation of the Project would not increase the risk for the release of pollutants. No impacts would occur and mitigation would not be required.

Impact 3.6-5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

As previously discussed, the Project would implement a SWPPP and Erosion Control Plan that would manage stormwater runoff during construction activities. The SWPPP would include site design and source control BMPs to ensure stormwater runoff and impervious areas are minimized, and natural areas are utilized. The Project proposes the use of a biofiltration/detention basin to meet the treatment and flow control requirements. With implementation and maintenance of general site management BMPs and erosion and sediment control BMPs during Project construction, as detailed in the City's Stormwater Standards Manual, discharges of sediment and other pollutants associated with construction activities would be reduced to the maximum extent possible and the Project would not conflict with a water quality control plan.

There are four groundwater basins in the County that are subject to the Sustainable Groundwater Management Act: Borrego Valley, San Diego River Valley, San Luis Rey Valley, and San Pasqual Valley. The proposed Project is not located within one of these groundwater basins. The nearest

basin, San Pasqual Valley, is approximately 11 miles east of the Project site. The Project would not use groundwater wells nor include development activities that could otherwise deplete groundwater supplies. Infiltration would be maintained through Project design, including detention basins and low-impact design requirements of the MS4 permit.

With compliance with local, state, and federal water quality and groundwater requirements, the Project would not conflict with a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant, and no mitigation would be required.

3.6.5. Mitigation Measures

With the incorporation of best management practices, the proposed Project would not result in significant hydrology or water quality impacts. No mitigation would be required.

3.6.6. Cumulative Impact Analysis

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. The geographic scope for cumulative hydrology and water quality impacts includes the surrounding watershed areas surrounding the Project site, and tributaries to the ocean. Future development that could contribute to a cumulative hydrology and water quality impact, as listed on **Table 2-6 and Table 2-7**, would be subject to the same requirements as the proposed Project and would be required to apply for coverage under with the San Diego RWQCB's Generation Construction Stormwater permit, which would include best management practices to prevent water quality impacts during construction and operation. Therefore, cumulative impacts related to hydrology and water quality would be less than significant and the Project's contribution to a cumulative impact would be less than cumulatively considerable. 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.

With incorporation of proposed site improvements and BMPs, the mitigated peak flow for drainage from the Project site would be approximately 6.63 cubic feet per second (cfs) when compared to flows under existing conditions of 16.88 cfs (see **Table 3.6-2, Stormwater Flow Generation under Pre- and Post-Project Conditions**). The Project would not substantially alter the site's historic drainage patterns. Installation of the storm drain collection system and biofiltration/detention BMP: would improve upon existing conditions through the reduction of stormwater flows exiting the site along with the on-site capture and treatment of stormwater. Implementation of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or ground water quality.

Other cumulative projects would be required to implement similar project design features to ensure they would not result in off-site impacts. Cumulative projects would also be subject to MS4 permit requirements to reduce polluted stormwater runoff. Therefore, the Project's cumulative impacts related to hydrology and water quality are considered to be less than significant. The Project's contribution to a cumulative impact would be less than cumulatively considerable.

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Source: ESRI, SanGIS, FEMA

N

0 0.15 0.3 Miles

Floodplain Areas

Torrey Crest Residential Subdivision

Figure 3.6-1

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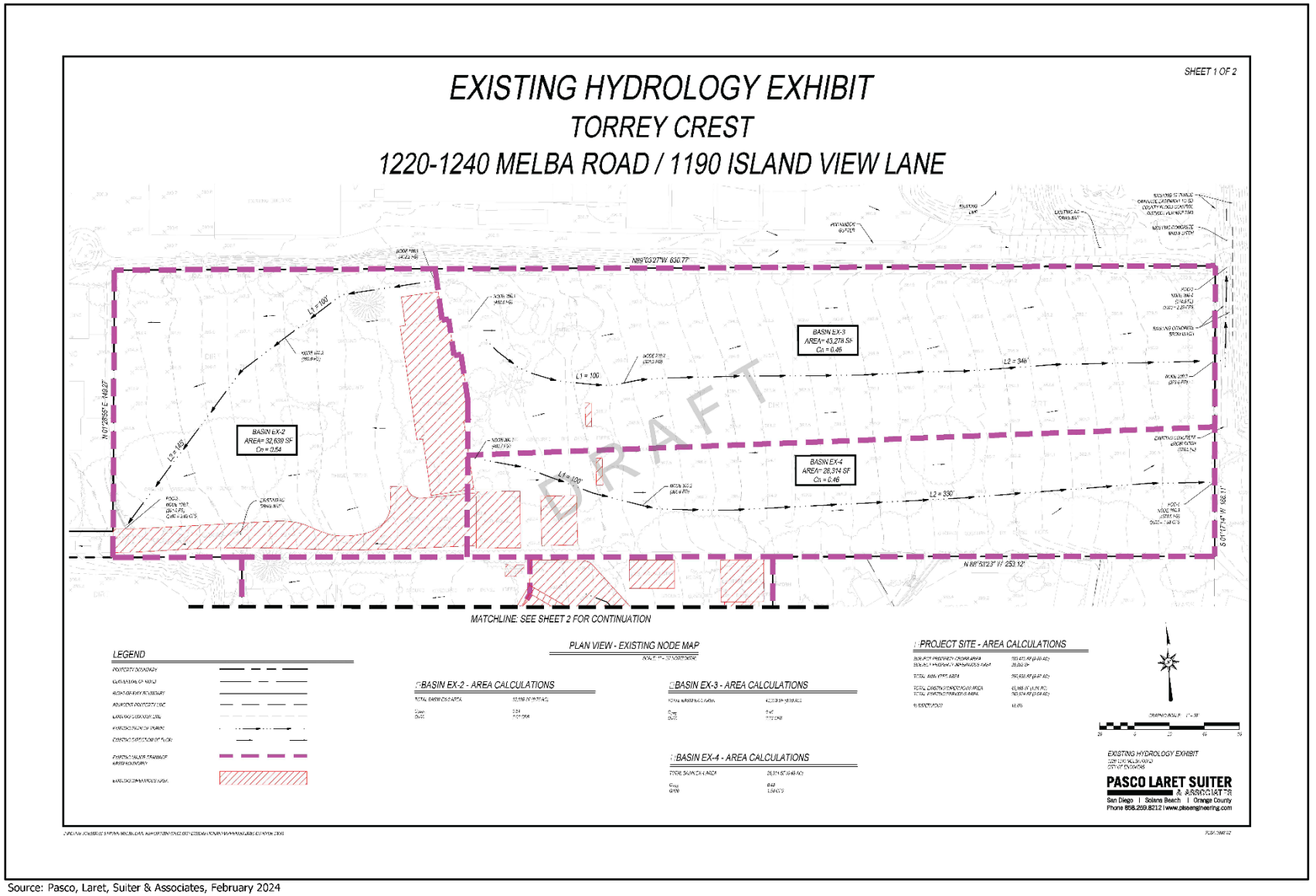

Source: Pasco, Laret, Suiter & Associates, February 2024

Existing Project Site Hydrology (Basins EX-2, EX-3, EX-4)
Torrey Crest Residential Subdivision
Figure 3.6-2a

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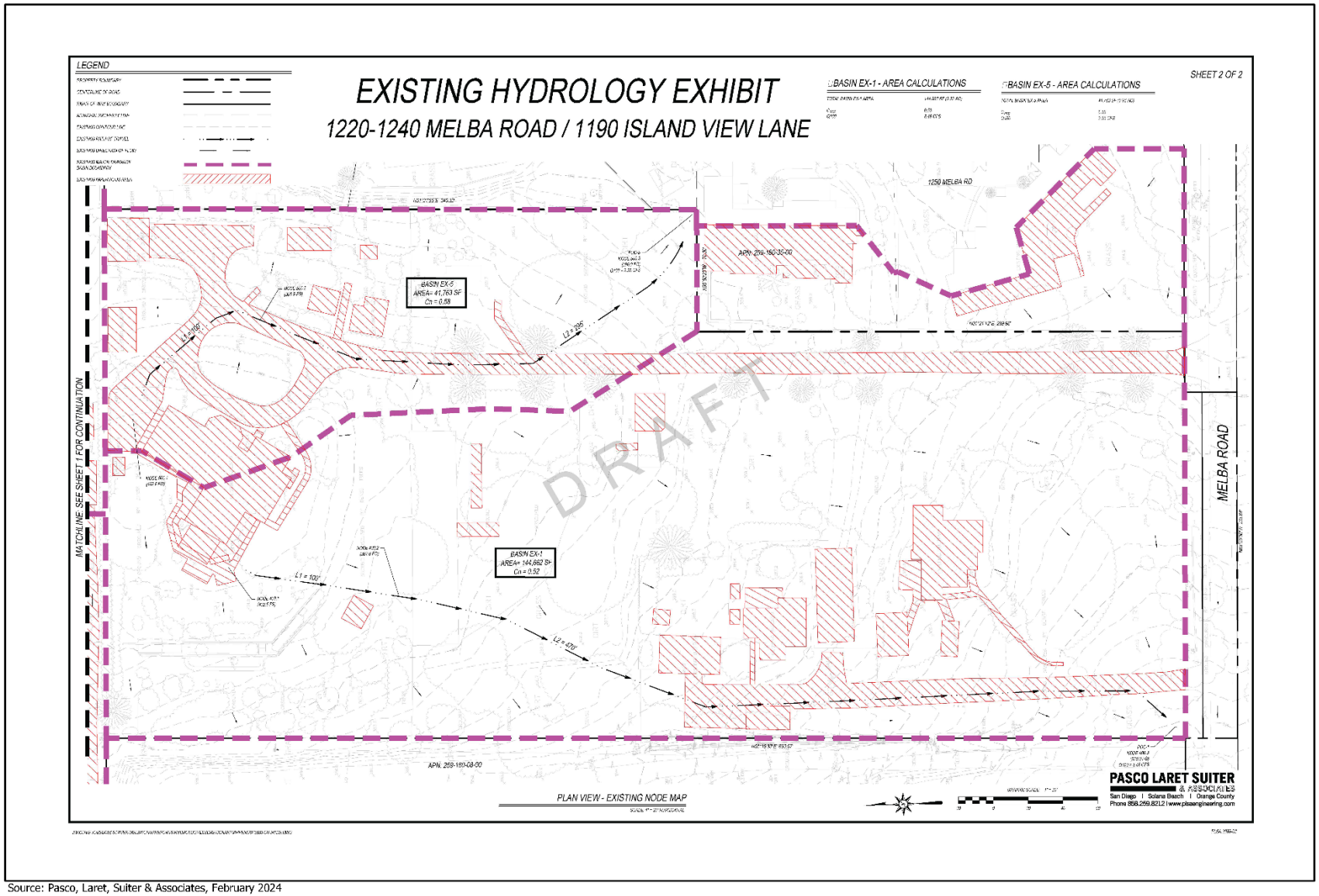

Source: Pasco, Laret, Suiter & Associates, February 2024

Existing Project Site Hydrology (Basins EX-1 and EX-5)
Torrey Crest Residential Subdivision
Figure 3.6-2b

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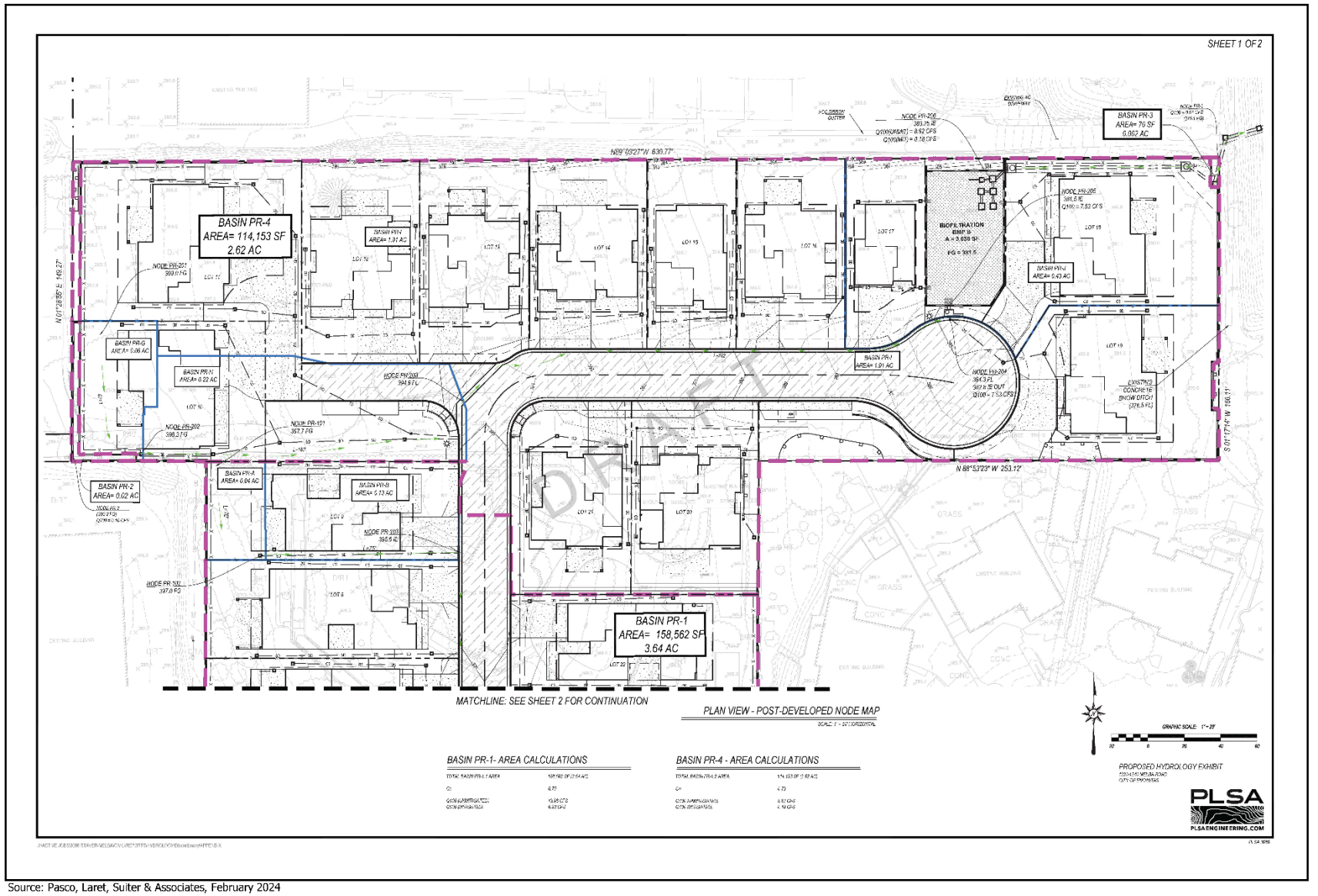

Source: Pasco, Laret, Suiter & Associates, February 2024

Proposed Hydrology (Basins PR-1, PR-4)

Torrey Crest Residential Subdivision

Figure 3.6-3a

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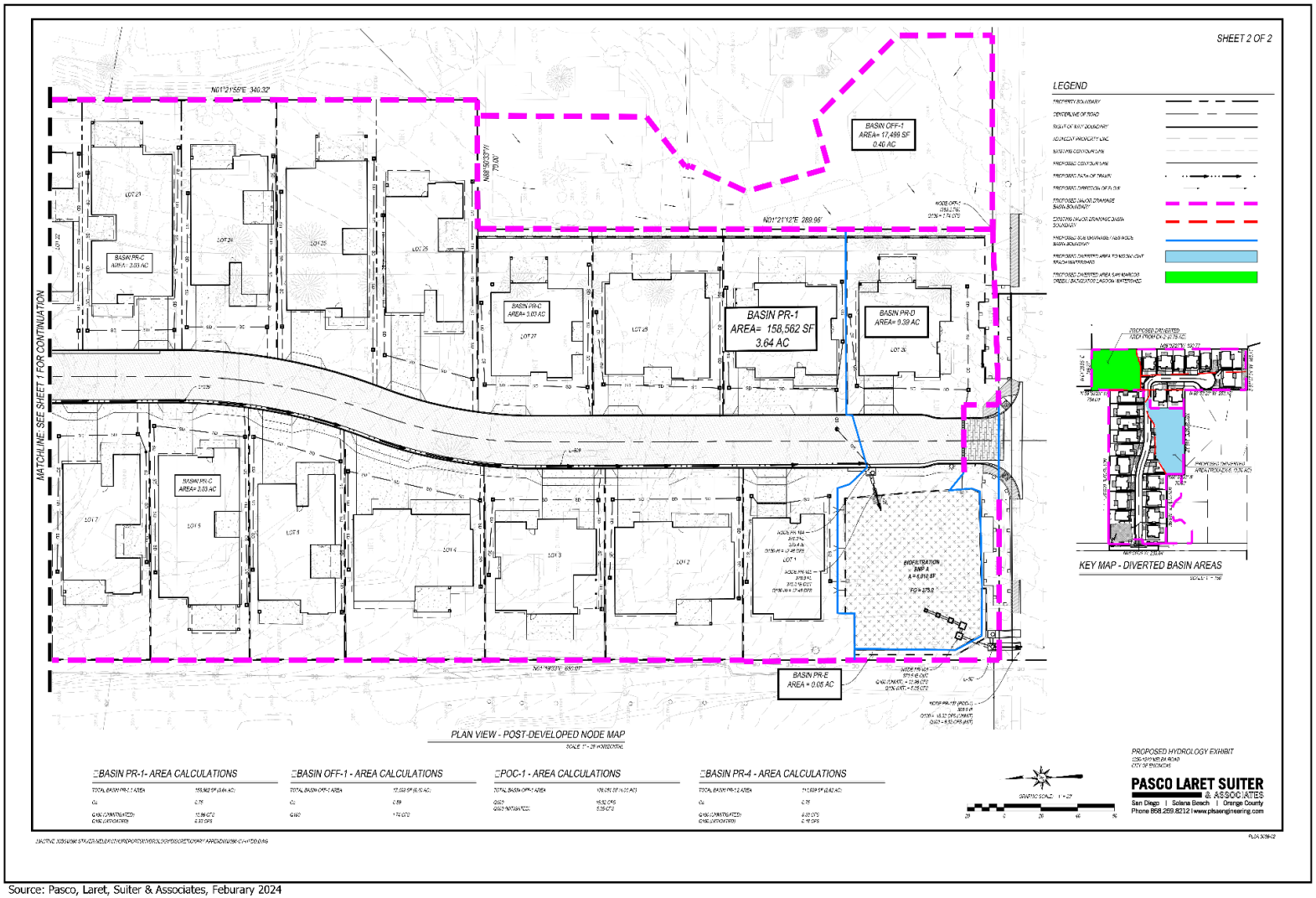

Source: Pasco, Laret, Suiter & Associates, Feburary 2024

Proposed Hydrology (Basins PR-1, OFF-1, POC-1, PR-4)

Torrey Crest Residential Subdivision

Figure 3.6-3b

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3.7. Noise

This section of the EIR describes the affected environment and regulatory setting relating to noise and groundborne vibration for the proposed project. It also describes the impacts associated with noise and groundborne vibration that would result from the implementation of the project, and includes mitigation measures that would reduce these impacts, where applicable. The information and analysis in this section is largely based on the *Melba Road Residential Subdivision Noise Study* prepared by Birdseye Planning Group (Birdseye, 2022a) located in Appendix I of this EIR. This document was peer reviewed by .

3.7.1. Environmental Setting

Noise Fundamentals

An understanding of the physical characteristics of sound is useful for evaluating environmental noise. Noise is generally defined as loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity and interferes with or disrupts normal activities. The effects of noise on people can be grouped into four general categories:

- Subjective effects (dissatisfaction, annoyance);
- Interference effects (communication and sleep interference, learning);
- Physiological effects (startle response); and
- Physical effects (hearing loss).

Although exposure to high noise levels has been demonstrated to cause physical (i.e., to the body itself) and physiological (i.e., to body functions) effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. The subjective responses of individuals to similar noise events are diverse and influenced by many factors, including the type of noise, the perceived importance of the noise, its appropriateness to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity.

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

Sound pressure level is measured on a logarithmic scale with the 0 dB level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dBA, and a sound that is 10 dBA less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dBA greater than

the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dB changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while arterial streets are in the 50-60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate (or drop off) at a rate of 6 dBA per doubling of the distance from the noise sources (i.e., industrial machinery). Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance. Noise levels may also be reduced by intervening structures; 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. The manner in which older homes in California were constructed (approximately 30 years old or older) 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 and office buildings construction to California Energy Code standards is generally 30 dBA or more.

In addition to the actual instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance. Typically, equivalent continuous sound level (Leq) is summed over a one-hour period. Lmax is the highest root mean squared (RMS) sound pressure level within the measuring period, and Lmin is the lowest RMS sound pressure level within the measuring period. The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (Ldn), which is the 24-hour average noise level with a 10-dBA penalty for noise occurring during nighttime (10 PM to 7 AM) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a 5 dBA penalty for noise occurring from 7 PM to 10 PM and a 10 dBA penalty for noise occurring from 10 PM to 7 AM Daytime Leq levels are louder than Ldn or CNEL levels; thus, if the Leq meets noise standards, the Ldn and CNEL are also met.

Vibration Fundamentals

Vibration is a unique form of noise as the energy is transmitted through buildings, structures and the ground, whereas audible noise energy is transmitted through the air. Thus, vibration is generally felt rather than heard. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Urban areas contain a variety of land use and development types that are noise sensitive. The City of Encinitas General Plan Noise Element defines noise sensitive land uses as those associated with indoor and outdoor human activities, including residential, transient lodging facilities, hospitals, convalescent hospitals, nursing facilities, other facilities for long-term medical care; private/public educational facilities, libraries, churches and other places of public gathering. The nearest sensitive receptors to the Project site are single-family residences located adjacent to and west, east and south of the site and Oak Crest Middle School, located adjacent to and north of the Project site.

Existing Conditions

The Project site is located within an existing residential neighborhood, with public serving uses scattered throughout. The community of Old Encinitas, one of the five communities in the City. Melba Road forms the southern border of the Project site and Oak Crest Middle School borders the site to the north. To the west is Crest Drive and to the east is Balour Drive. The site is surrounded by single-family residential development and road infrastructure.

Project Site

At the time the Notice of Preparation was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. The Project site is completely disturbed and previous uses have included those noted on **Table 2-4**, along with orchards and greenhouses. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle school.

Physically, the Project area is relatively flat to gently sloping at an elevation of 370 to 400 feet above mean sea level.

To obtain ambient noise levels, noise measurements were taken on June 28, 2021 and on July 13, 2021. Measurement Locations are shown on **Figure 3.7-1**, Ambient Noise Monitoring Locations. Site M1 is located near the intersection of Melba Road and Blackjack Road. Site M2 is located at the northwest corner of the Melba Road/Balour Drive intersection. Sites M3 and M4 are on the Project site. Site M5 is located at the entrance to the Project site at 1240 Melba Road. Existing noise at Site M1, Site M2 and Site M5 was measured for traffic model calibration purposes because the primary noise associated with the Project would be traffic accessing the site from Melba Road. Sites M3 and M4 were measured to obtain existing sound levels interior to the Project site. The 15-minute measurements were taken using an ANSI Type II integrating sound level meter. The predominant noise source was traffic. The temperature during monitoring was 65-70 degrees Fahrenheit with 100% cloud cover and no perceptible wind.

During monitoring, 23 cars/light trucks, 3 medium (two-axles and six wheels) and zero heavy (more than two-axles and six wheels) trucks passed Site M1. A total of 27 cars/light trucks, zero medium trucks and zero heavy trucks passed Site M2 on Melba Road. A total of 106 cars/light trucks, two medium trucks and zero heavy trucks passed Site M2 on Balour Drive. A total of 16 cars/light trucks, zero medium trucks and zero heavy trucks passed Site 5. Background noise at each site included pedestrian activity and related activities associated with lawn maintenance and activities at Oak Crest Middle School. Measured noise is representative of noise levels occurring at existing residences along Melba Road during a typical daytime scenario. **Table 3.7-1** identifies the noise measurement locations and measured noise levels. As shown on **Table 3.7-1**, ambient noise levels ranged from 4.37 dBA (Leq) at site M3 to 59.0 dBA (Leq) at Site M2.

TABLE 3.7-1. AMBIENT NOISE MONITORING RESULTS

Measurement Locations		Primary Noise Source	Sample Time	Leq (dBA)
M1	Northwest corner of Melba Road and Bluejack Road adjacent existing residence.	Traffic and pedestrian activity	Weekday morning	56.0
M2	Northeast corner of Melba Road and Balour Drive in the Bethlehem Church parking lot.	Traffic/lawn maintenance activity	Weekday morning	59.0
M3	On-site proximal to proposed Lot 24	Distant construction noise	Weekday morning	45.8
M4	On-site proximal to proposed Lots 11 and 12	Distant construction noise	Weekday morning	43.7
M5	Site entrance at 1240 Melba Road	Traffic	Weekday morning	49.9

Source: Birdseye Planning Group, 2022a (Appendix I).

3.7.2. Regulatory Framework

Federal

Noise

There are no federal noise requirements or regulations that apply directly to the City of Encinitas. However, there are federal regulations that influence the audible landscape, especially for projects where federal funding is involved. For example, the Federal Highway Administration (FHWA) requires abatement of highway traffic noise for highway projects through rules in the Code of Federal Regulations (23 CFR Part 772), the Federal Transit Administration (FTA), and Federal Railroad Administration (FRA). Each agency recommends thorough noise and vibration assessments through comprehensive guidelines for any highway, mass transit, or high-speed railroad projects that would pass by residential areas.

Vibration

The Federal Transit Administration (FTA) has published guidelines for assessing the impacts of groundborne vibration associated with construction activities, which have been applied by other jurisdictions to other types of projects. The FTA measure of the threshold of architectural damage for non-engineered timber and mason buildings (e.g., residential units) is 0.2 in/sec PPV. The threshold of perception of vibration is 0.01 in/sec PPV.

State

Noise

Title 24, Section 3501 et. seq. of the California Code of Regulations codifies California Noise Insulation Standards. This code section uses the Community Noise Equivalency Level (CNEL) as its primary noise evaluation measurement. The CNEL measurement assesses noise variation during different times of the day for the purposes of averaging noise over a 24-hour period. Essentially, CNEL takes average sound levels at an observation point and adds a weighted penalty to those sounds that occur during the evening (+5 dBA) and nighttime hours (+10 dBA). An interior noise level of 45 dBA CNEL is often considered the desirable noise exposure level for single-family residential units. An exterior noise level of 65 dBA is generally considered an acceptable level for residential and other noise sensitive land uses.

Vibration

There are no state standards for traffic-related vibrations. California Department of Transportation's (Caltrans) position is that highway traffic and construction vibrations generally pose no threat to buildings and structures. For continuous (or steady-state) vibrations; however, Caltrans considers the architectural damage risk level to be between 0.2 and 2.0 inches/second.

Local

City of Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and a policies designed to shape the long-term development of the City, as well as protect its environmental, social cultural and economic resources.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government

Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant noise goals and policies for the Project in effect on April 21, 2021 include:

Noise Element

Land Use Planning

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 level, the policy of the City of Encinitas is to accept and increase about Ldn of 55 dB in outdoor residential use areas without mitigation. If the project would increase traffic noise levels by more than 5 dB and resulting Ldn would be over 55 dB, then mitigation measures must be evaluated. If the project, or action, would increase traffic noise levels by more than 3 dB or more and the resulting Ldn would exceed 60 dB in outdoor use areas in residential developments, noise mitigation must be similarly evaluated. The impact of non-transportation projects must generally be evaluated on a case-by-case basis.
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

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc..

GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.

Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.

The City of Encinitas General Plan Noise Element provides guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories, which are presented in **Table 3.7-2.** 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 3.7-2. CITY OF ENCINITAS LAND USE NOISE COMPATIBILITY GUIDELINES

Land Use	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable [(a)]	Conditionally Acceptable [(b)]	Normally Unacceptable [(c)]	Clearly Unacceptable [(d)]
Single-Family, Duplex, Mobile Homes	50-60 [(e)]	60-70	70-75	Above 70
Multifamily	50-60	60-70	70-75	Above 70
Transient Lodging – Hotels, Motels	50-65	65-70	70-80	Above 80
School, Libraries, Churches, Hospitals, Nursing Homes	50-60	60-70	70-80	Above 80
Auditoriums, Concert Halls, Amphitheaters	50-65	NA	NA	Above 65
Sports Arena, Outdoor Spectator Sports	50-70	NA	NA	Above 70
Playgrounds, Neighborhood Parks	50-70	NA	70-75	Above 75
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50-70	NA	70-80	Above 80
Office Building, Business and Professional, Commercial	55-67	67-75	75-85	NA
Industrial, Manufacturing, Utilities, Agriculture	50-70	70-75	75-85	NA

Notes:

(a) 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.

TABLE 3.7-2. CITY OF ENCINITAS LAND USE NOISE COMPATIBILITY GUIDELINES

Land Use	Community Noise Exposure (L_{dn} or CNEL, dBA)			
	Normally Acceptable [a]	Conditionally Acceptable [b]	Normally Unacceptable [c]	Clearly Unacceptable [d]

(b) 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 would normally suffice.

(c) Normally Unacceptable: New construction or development should generally 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.

(d) Clearly Unacceptable: New construction or development should generally not be undertaken.

(e) Noise levels are provided in A-weighted decibels, CNEL.

NA = Not Applicable. Ldn = average day/night sound level; CNEL = community noise equivalent level.

Source: Birdseye Planning Group, 2022a (Appendix I).

City of Encinitas Municipal Code, City of Encinitas Noise Ordinance

Chapter 9.32.410 of the Encinitas Municipal Code prohibits the operation of commercial construction equipment on Sundays or between the hours of 7:00 PM and 7:00 AM Monday through Saturday. Construction noise cannot exceed 75 decibels for more than 8 hours during any 24-hour period when the construction site is located in proximity to residential properties. Per Chapter 30.40.010 (A), of the Encinitas Municipal Code, the maximum allowable exterior noise level at residences is 50 dBA from 7 AM to 10 PM, and 45 dBA from 10 PM to 7 AM

The City's General Plan Noise Element, Municipal Code and the CEQA Significance Determination Thresholds do not provide vibration standards. However, to provide information for use in completing the CEQA evaluation, construction-related vibration impacts are evaluated using the Federal Transit Administration's (FTA) threshold. The FTA's *Transit Noise and Vibration Impact Assessment* (September 2018) uses a threshold of 65 VdB for buildings where low ambient vibration is essential for interior operations. These buildings include hospitals and recording studios. A threshold of 72 VdB is used for residences and buildings where people normally sleep (i.e., hotels and rest homes). A threshold of 75 VdB is used for institutional land uses where activities occur primarily during the daytime (i.e., churches and schools). The threshold used for the proposed Project is 72 VdB.

Construction activities such as blasting, pile driving, demolition, excavation or drilling have the potential to generate ground vibrations near structures. With respect to ground-borne vibration impacts on structures, the FTA states that ground-born vibration levels in excess of 100 VdB would damage fragile buildings and levels in excess of 95 VdB would damage extremely fragile historic buildings. There are no fragile or historic buildings located in proximity to the Project site; thus, 100 VdB is used to quantify potential vibration impacts to neighboring structures.

3.7.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a noise impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact if it would:

1) 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.

2) Generate 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 two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

3.7.4. Analysis of Project Effects and Significance Determination

Impact 3.7-1: 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.

Construction Noise

The main sources of noise during construction activities would include heavy machinery used during demolition of existing buildings, pavement, sidewalks and general clearing of the site, as well as equipment used for construction. The type of equipment used and duration of use would vary depending upon the construction activities planned throughout the course of a workday. The work would begin in mid-2024 and be completed by mid-2025. **Table 3.7-3** shows the typical noise levels associated with heavy construction equipment. As shown, average noise levels associated with the use of heavy equipment at construction sites can range from about 81 to 95 dBA at 25 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction.

Construction noise estimates are based upon noise levels reported by the FTA, Office of Planning and Environment, and the distance to nearby sensitive receptors. Reference noise levels from that document were used to estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 3 dB per doubling of distance (line-of-sight method of sound attenuation) for hardscape conditions.

TABLE 3.7-3. TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS

Equipment Onsite	Typical Level 25 Feet from the Source	Typical Level 50 Feet from the Source	Typical Level 100 Feet from the Source
Air Compressor	84 dBA	78 dBA	64 dBA
Backhoe	84 dBA	78 dBA	64 dBA
Bobcat Tractor	84 dBA	78 dBA	64 dBA
Concrete Mixer	85 dBA	79 dBA	73 dBA
Bulldozer	88 dBA	82 dBA	76 dBA
Jack Hammer	95 dBA	89 dBA	83 dBA
Pavement Roller	86 dBA	80 dBA	74 dBA
Street Sweeper	88 dBA	82 dBA	76 dBA
Man Lift	81 dBA	75 dBA	69 dBA
Dump Truck	82 dBA	76 dBA	70 dBA

Source: Birdseye Planning Group, 2022a (Appendix I).

As referenced above, the City of Encinitas' Noise Ordinance states that construction noise cannot exceed 75 decibels for more than 8 hours during any 24-hour period when the construction site is located in proximity to residential properties. Noise-sensitive uses near the Project site are existing single-family residences located adjacent to the south, west and east property lines. The Oak Crest Middle School is located adjacent to and north of the site. The average distance from the center of the site to the nearest receiver (i.e., single-family residences adjacent to the Project site) is approximately 100 feet. However, the site boundary shares property lines with adjacent parcels. The distance from the property line to the nearest structures is approximately 30 feet. As referenced, it is assumed demolition, grading and site preparation work would require the simultaneous use of several pieces of heavy equipment. Building construction and finishing would utilize hand tools; however, equipment would also be required to deliver materials to the Project site and work areas.

Based on EPA noise emissions, empirical data from existing noise studies as well as the amount and type of equipment needed for construction of the proposed Project, worst-case noise levels from the construction equipment would occur during demolition and grading activities. The anticipated equipment used on-site would include a jackhammer, bobcat/dozer, backhoe/tractor, grader/excavator and dump trucks. Typically, equipment is spread out over the site when performing various operations. Based upon the site plan, construction operations would occur between 30 and 100 feet from the sensitive receptors neighboring the site. Noise levels from the demolition activities can reach short-term peak levels exceeding 90 dBA but would be periodic rather than constant. Noise levels vary considerably throughout the day because equipment is used periodically rather than constantly and the equipment is moved around the site.

If during site preparation and grading, a bobcat tractor (78 dBA), a backhoe (78 dBA) and a dump truck (82 dBA) were working simultaneously generally in the center of the site over the workday, the Leq would be approximately 85 dBA at 50 feet and 82 dBA at 25 feet. This would exceed the 75 dBA average at the sensitive properties located east of the site. For reference purposes, noise levels associated with the above construction scenario are shown at varying distances in **Table 3.7-4**. As shown, noise levels at 100 feet or more from the active construction site would attenuate to below 75 dBA.

TABLE 3.7-4. TYPICAL MAXIMUM CONSTRUCTION NOISE LEVELS

Distance From Construction	Maximum Noise Level at Receptor
25 feet	88 dBA
50 feet	85 dBA
100 feet	72 dBA
250 feet	66 dBA
500 feet	60 dBA
1,000 feet	54 dBA

Source: Birdseye Planning Group, 2022a (Appendix I).

While unlikely, the proposed Project has the potential to exceed the construction noise standard specified in Chapter 9.32.410 of the Municipal Code; thus, causing a temporary adverse noise impact at adjacent receivers. With implementation of Mitigation Measure NOI-1, which requires construction contractor to develop a Noise Control Plan, noise levels exceeding the 75 dBA over an 8-hour period would be avoided. Impacts would be less than significant after mitigation

Operational Noise

Traffic Noise

The main sources of noise during operations would be due to increased traffic volumes. Existing measured noise levels are within the normally compatible criteria for single-family residences located in proximity to the site (see **Table 3.7-1**). As shown on **Table 3.7-1**, the highest ambient noise level recorded was 59.0 dBA at the intersection of Melba Road and Balour Drive. Noise levels proximal to the nearest residences along Melba Road range from 49.9 dBA to 56.0 dBA and are dependent on the frequency and speed of traffic. Whether a traffic-related noise impact would occur is based on whether Project traffic, when added to the existing traffic, would cause the Leq to noticeably increase (+3 dBA).

Melba Road was modeled using the Federal Highway Administration Traffic Noise Model (TNM) version 2.5 software (included Appendix I). The model calculates traffic noise at receiver locations based on traffic volumes, travel speed, mix of vehicle types operating on the roadways (i.e., cars/trucks, medium trucks and heavy trucks) and related factors. Traffic volumes and vehicle mix

used to calibrate TNM were based on vehicle counts obtained during the monitoring period. The 15-minute counts were multiplied by four to obtain hourly traffic counts. The model was calibrated to calculate noise levels that are +/- 2 dBA those measured onsite and reported in **Table 3.7-1**. The daytime hourly average (Leq) does not exceed the 60-dBA compatibility standard at the receivers modeled along Melba Road under baseline conditions.

Traffic volumes for peak hour existing and Project operation were obtained from the Traffic Study (LOS Engineering, 2023a, Appendix J-1). Evening (PM) peak hour Project trips for existing conditions were modeled to determine baseline noise conditions. Project trips were then added to the baseline trips to determine whether the Leq at neighboring receivers would noticeably change as a result of Project-related traffic. As referenced, the Project would generate 260 average daily trips (ADT). Peak hour volumes are estimated to be 21 AM peak hour trips (6 inbound and 15 outbound), and 26 PM peak hour trips (18 inbound and 8 outbound). The PM peak hour trips are higher; and thus, were used in the analysis. Noise levels were calculated at the following receivers and are intended to represent conditions at multiple receivers within proximity to these locations (Figure 3.7-2):

- R1: Single-family residence at 1250 Melba Road;
- R2: Single-family residence at 1202 Melba Road;
- R3. Single-family residence at 939 Bluejack Road; and,
- R4: Single-family residence at 1205 Melba Road.

The increase in noise levels would range from 0.5 to 0.8 dBA from the existing daytime hourly average (Leq). To cause a significant noise impact related to traffic noise, Project-related traffic would have to cause the existing Leq at one or more receivers to exceed the compatibility standard for the City of Encinitas (i.e., 50-60 dBA) shown in **Table 3.7-2** or increase by 3 or more dBA.

As shown in **Table 3.7-5**, traffic associated with the Project would increase ambient noise levels; however, the increase would be less than one decibel and not discernible from existing noise levels. Because the proposed Project would not noticeably increase off-site noise levels over ambient conditions, traffic noise impacts would be less than significant.

TABLE 3.7-5. MODELED NOISE LEVELS

Receptor	Existing Leq	Compatibility Standard	Exceed Standard	With Project Leq	dBA Change	Significant Impact/ Exceed Standard
Receiver Site R1	57.0	50-60	No	57.5	+0.5	No/No
Receiver Site R2	58.7	50-60	No	59.5	+0.7	No/No
Receiver Site R3	58.9	50-60	No	59.7	+0.8	No/No
Receiver Site R4	59.0A	50-60	No	59.8	+0.8	No/No

Source: Birdseye Planning Group, 2022a (Appendix I).

Interior Noise

California Energy Code Title 24 standards specify construction methods and materials that result in energy efficient structures and up to a 30-dBA reduction in exterior noise levels (assuming windows are closed). This includes operation of mechanical ventilation (e.g., heating and air conditioning), in combination with standard building construction that includes dual-glazed windows with a minimum Sound Transmission Class (STC) rating of 26 or higher. When windows are open, the insertion loss drops to about 10 dBA.

Assuming windows are closed, interior noise levels at Project residences that front Melba Road would be approximately 27.5 to 29.8 dBA and less at residences located further north of Melba Road. The proposed units would be designed to achieve an STC of 26 or higher. Thus, noise levels would be below the 45-dBA interior standard.

Exterior noise levels caused by traffic sources are not expected to noticeably change existing noise levels at the Project site or at existing residential properties located proximal to the site. Assuming a 30-dBA reduction in noise levels between exterior and interior levels, the Project would be compatible with the future noise environment in the Project area and the 45-dBA interior standard would be met at all residential receivers modeled with operation of the proposed Project. Thus, a less than significant operational noise impact would occur.

Impact 3.7-2: Generate excessive groundborne vibration or groundborne noise levels.

Activities associated with residences do not generate vibration therefore, this discussion focuses on temporary vibration caused by construction. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As shown on **Table 3.7-6**, vibration levels from operation of a loaded truck or bulldozer bobcat/backhoe would attenuate to 87 VdB or less at 25 feet.

100 VdB is the threshold where minor damage can occur in fragile buildings. Vibration levels are projected to be under this threshold; thus, structural damage is not expected to occur as a result of construction activities associated with the proposed Project. 72 VdB is the vibration threshold for residences and/or buildings where people sleep. As shown on **Table 3.7-6**, all construction equipment (except for a small bulldozer), could exceed 72 VdB at varying distances across the site. Construction activities would occur during daytime hours which would minimize nighttime sleep disturbance; however, to minimize vibration impacts, it is recommended that small dozers and similar equipment be used when working in proximity to the property lines. While vibration impacts are unlikely, implementation of the **Mitigation Measure NOI-1** would minimize short-term disturbances associated with vibration impacts during construction at receivers located in proximity to the site.

TABLE 3.7-6. VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment Onsite	Approximate VdB				
	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet
Large Bulldozer	**87**	**81**	**79**	**77**	**75**
Loaded Trucks	**86**	**80**	**78**	**76**	**74**
Jack Hammer	**79**	**73**	71	69	67
Small Bulldozer	28	52	50	48	46

Source: Birdseye Planning Group, 2022a (Appendix I).

Impact 3.7-3: For a project located within the vicinity of a private or public airstrip, would the project expose people residing or working in the project area to excessive noise levels?

McClellan-Palomar Airport is the nearest airport and is located approximately 6.0 miles north of the Project site. The Project site is not located within the McClellan-Palomar Airport Influence Area, and is not located within two (2) miles of a public use airport or in proximity to a private airstrip (San Diego County, 2010). While some aircraft overflights may occur and be audible, the proposed Project would not expose people residing or working in the Project area to excessive noise levels. No significant impact would occur.

3.7.5. Mitigation Measure(s)

The following mitigation measure would reduce impacts to below a level of significance.

MM NOI-1: Noise Control Plan

Construction contractors shall develop and implement a noise control plan that includes a noise control monitoring program to ensure sustained construction noise levels do not exceed 75 decibels over an 8-hour workday at the nearest sensitive receivers. The plan shall include the following requirements:

Construction Equipment. Construction equipment noise shall be controlled using a combination of the following methods:

- Electrical power shall be used to run air compressors and similar power tools where feasible;
- Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair;

- All diesel equipment shall be operated with closed engine doors and be equipped with factory recommended mufflers;
- Any construction equipment that continues to generate substantial noise at the eastern Project boundary shall be shielded with temporary noise barriers, such as barriers that meet a sound transmission class (STC) rating of 25, sound absorptive panels, or sound blankets on individual pieces of construction equipment;
- Stationary noise-generating equipment, such as generators and compressors, shall be located as far as practically possible from the nearest residential property lines;
- Contractor shall turn off idling equipment while not being used for operations after idling for five minutes; and
- Contractor shall perform noisier operation during the times least sensitive to nearby residential receptors.

Neighbor Notification. Designate a noise control monitor to oversee construction operations in proximity to sensitive receivers. Provide notification to Oak Crest Middle School and the residential occupants adjacent to the Project site at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification shall include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the Project site. The notification shall include the telephone number and/or contact information for the onsite noise control monitor that residents or a representative from Oak Crest Middle School can use for inquiries and/or to submit complaints associated with construction noise.

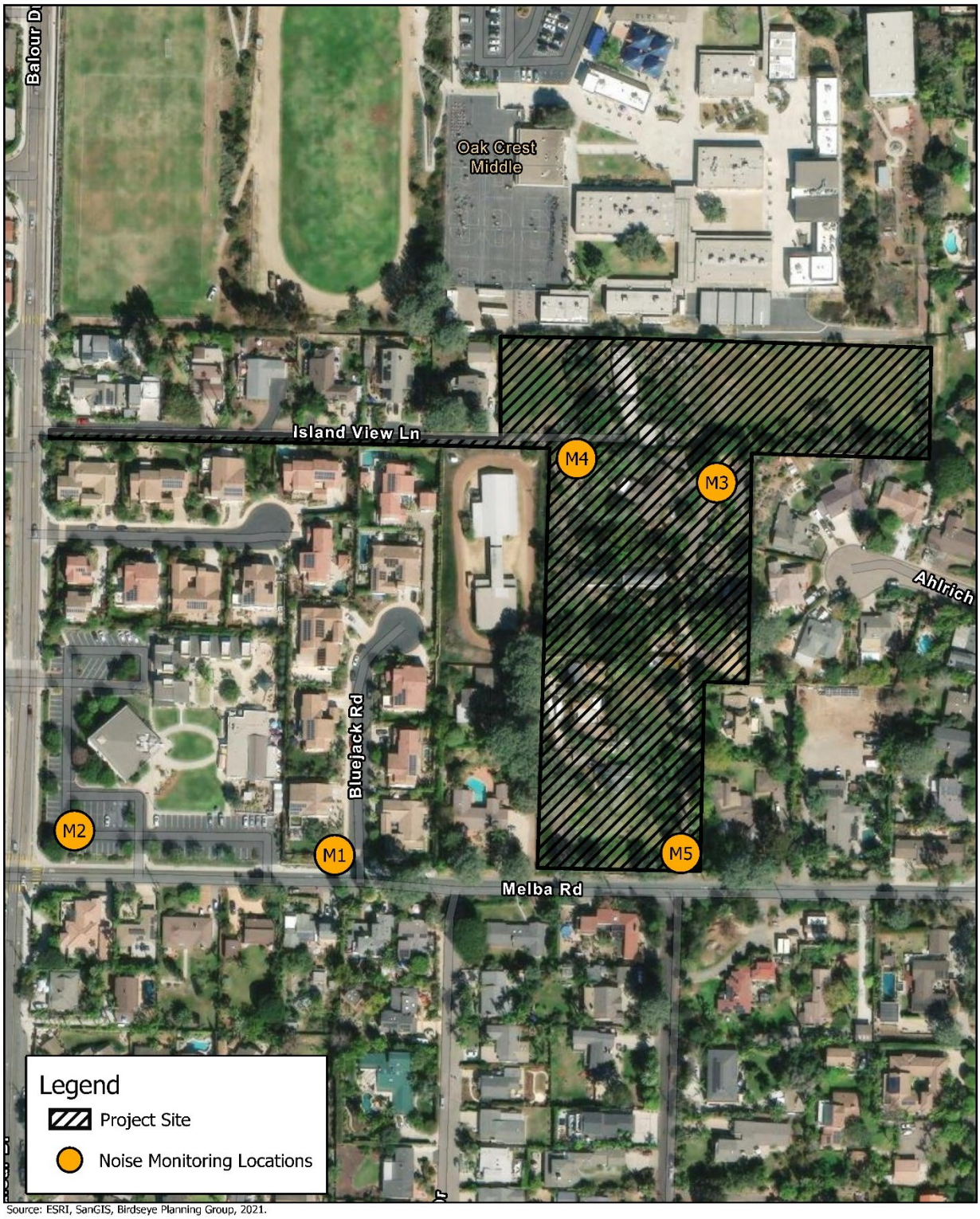
Timing/Implementation:	*The Noise Control Plan shall be submitted to the City's Development Service Department prior to grading permit issuance. The Noise Control Plan and Neighbor Notification shall be implemented during construction activities, and upon completion of monitoring activities.*
Enforcement/Monitoring:	*City of Encinitas Development Services*

Level of Significance After Mitigation

With implementation of Mitigation Measure NOI-1, noise impacts would be reduced to below a level of significance.

3.7.6. Cumulative Impact Analysis

The cumulative noise impacts associated with the proposed Project include projects in the cumulative projects lists included in **Table 2-6 and Table 2-7** of this EIR. The existing conditions scenario assumes additional traffic noise from ambient regional growth and traffic noise and temporary construction noise from developments in the Project region. The impacts of the proposed Project, combined with related projects, would not significantly impact ambient noise levels. Noise impacts would not be cumulatively considerable.



Ambient Noise Monitoring Locations
Torrey Crest Residential Subdivision
Figure 3.7-1

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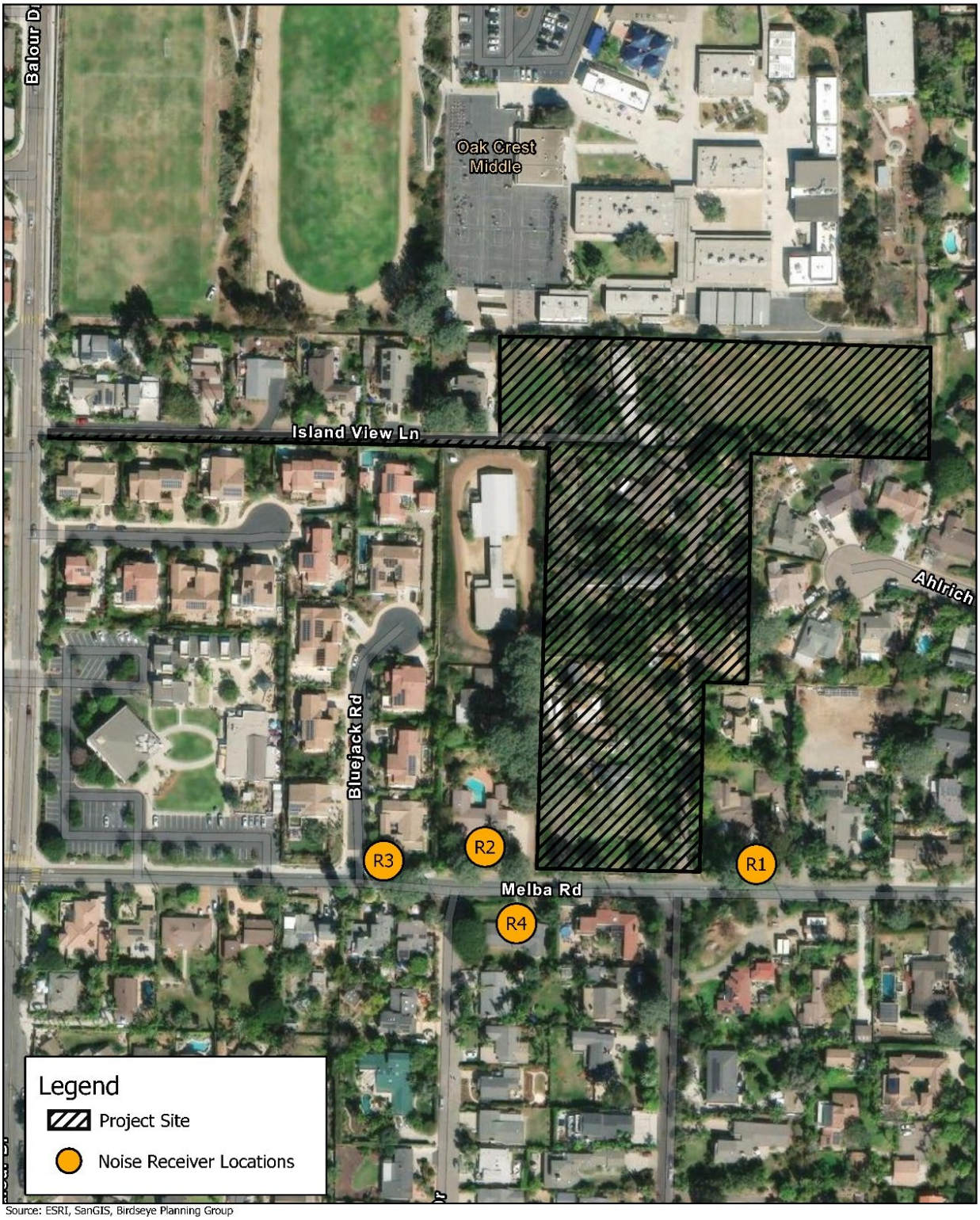

Source: ESRI, SanGIS, Birdseye Planning Group

N

0 150 300 Feet

Modeled Noise Receiver Locations
Torrey Crest Residential Subdivision
Figure 3.7-2

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3.8. Public Services and Facilities

This section addresses potential impacts to public services and facilities that may result from construction and/or operation of the Torrey Crest Residential Subdivision Project. The following discussion addresses the existing public service demands; identifies applicable regulations; 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 data in the *City of Encinitas General Plan* (1991) including the date found in the 1991 General Plan EIR certified on March 29, 1989, the Program Environmental Impact Report for At Home in Encinitas, the City of Encinitas Housing Element Update Encinitas, California SCH #2015041044, and the *City of Encinitas 2013-2021 Housing Element Update Environmental Assessment* (2018). Service availability letters from the relevant service providers are included in Appendix K-1.

3.8.1. Existing Conditions

Project Site

At the time the Notice of Preparation was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, along with ornamental landscaping, private roads and utilities. The Project site is completely disturbed, and previous uses have included those noted on **Table 2-4**, along with orchards and greenhouses. The Project vicinity includes single-family residences, churches, a horse stable, and Oak Crest Middle school.

Fire Protection and Emergency Services

The City of Encinitas Fire Department provides fire and emergency medical services to the City of Encinitas. The Fire Department is responsible for protecting the lives and property of the citizens of Encinitas from fire and other disasters and rendering lifesaving assistance during medical emergencies. The paramedic ambulance service in Encinitas and its neighboring communities and cities is provided by the County of San Diego as County Service Area 17 (CSA-17). The contracted paramedic ambulance provider for CSA-17 is American Medical Response (AMR). AMR paramedic ambulances are stationed at Fire Station 2 and Fire Station 5 (City of Encinitas, 2021v).

The Encinitas Fire Department has six fire stations strategically located in different areas of the City to provide coverage to the community. These stations house the Department's 51 fire suppression personnel, fire engines and various other emergency apparatus needed for specialized responses (City of Encinitas, 2021v). Fire Station 5 is the nearest station to the Project site. It is located at 540 Balour Drive, approximately 0.2 miles north of the Project site.

The City of Encinitas Fire Department responded to 6,917 calls in 2021. As shown on **Table 3.8-1**, approximately 3 percent of all emergency calls received in 2021 were fire related (204 calls).

According to the Encinitas Fire Departments' Annual Report for 2021, the average response times to these calls was 5 minutes and 20 seconds (City of Encinitas, 2021x).

TABLE 3.8-1. CITY OF ENCINITAS EMERGENCY RESPONSES (2021)

Response Type	Number of Responses	Percentage
Alarm	434	6%
Service Call	234	3%
Fire	204	3%
Investigation	13	0%
Hazardous Conditions	893	13%
Emergency Medical Services (EMS)	4,484	65%
Rescue	46	1%
Other	609	9%
TOTAL	**6,917**	**100%**

Source: City of Encinitas, 2021x.

Police Protection

Law enforcement services are provided by the San Diego County Sheriff from the North Coastal Sheriff Station, located at 175 North El Camino Real, approximately 0.62 miles northeast of the Project site. The North Coastal Sheriff Station is the largest division in the City of Encinitas and provides first response to all emergencies, performs preliminary investigations, and provides basic patrol services to the City of Encinitas. The San Diego County Sheriff's Department has approximately 4,000 sworn officers and support staff. The North Coastal Station serves nearly 60 square miles which includes the cities of Del Mar, Encinitas and Solana Beach, and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton and San Onofre and provides public safety services to more than 80,000 residents (County of San Diego Sherriff's Department, 2021).

Schools

The Project site is located within the Encinitas Union School District (EUSD), which serves students in grades K through 6; and the San Dieguito Union High School District serves students in grades 7 through 12. For students in grades kindergarten through sixth grade, the Project site is located within the enrollment boundaries of Ocean Knoll Elementary School. This school is located at 910 Melba Road, approximately 0.3 miles west of the Project site and is part of the Encinitas Union School District. For students in grades seven (7) and eight (8), the Project site is located within the enrollment boundaries of Oak Crest Middle School (located at 675 Balour Drive, directly north of and adjacent to the Project site). For students in grades nine (9) through 12, the Project site is located within the enrollment boundary of La Costa Canyon High School, located at 1 Maverick Way, Carlsbad, approximately three (3) miles northeast of the Project site. Both of these schools are located within San Dieguito Union High School District.

Parks

The Parks, Recreation and Cultural Arts Department is responsible for the maintenance and repair of all parks, beach and trail facilities in the City of Encinitas, including 10 miles of streetscapes, 82 acres of open space, 153 acres of both developed and undeveloped parks, 45 acres of beaches, and 40 miles of trails (City of Encinitas, 2021w). The City of Encinitas park facilities include community parks, sports parks, skateparks and off-leash dog parks. Oak Crest Park, located at 1219 Encinitas Boulevard, is the nearest public park and is approximately 0.1 miles north of the Project site. The Encinitas Community and Senior Center is located within the Oak Crest Park and includes facilities that provide recreational, educational, social, and civic opportunities.

Other Services and Public Facilities

Other services and public facilities that serve the Project area include libraries, hospitals, and general City administration. The nearest public library is San Diego County's Encinitas Branch Library located at 540 Cornish Drive, approximately 1.3 miles northwest of the Project site. The nearest hospital is Scripps Memorial Encinitas Hospital, located approximately 0.93 miles southeast of the Project site at 354 Santa Fe Drive. City Hall is located at 505 South Vulcan Avenue, approximately 1.36 miles northwest of the Project site.

3.8.2. Regulatory Framework

State

Quimby Act

Cities and counties have been authorized, since the passage of the 1975 Quimby Act (California Government Code Section 66477), to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements (California Dept. of Parks and Recreation, 2002). In 1982, the Quimby Act was amended to define acceptable uses of Quimby funds. Revenues generated by the Quimby Act cannot be used for the operation and maintenance of park facilities. The goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements. The act gives authority for passage of land dedication ordinances only to cities and counties.

The 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.

School Fees

Pursuant to California Government Code Section 65995 et. seq. and California Education Code Section 17620 et. seq., school districts are authorized to levy fees on new residential and

commercial-industrial development within their respective boundaries, to fund the construction of new school facilities necessary to accommodate the students from new development. In addition, the fees can also be used to fund the reconstruction of school facilities to accommodate students generated from new development projects. Such fees are typically collected prior to the issuance of building permit by the cities or county.

Local

City of Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and policies designed to shape the long-term development of the City, as well as protect its environmental, social, cultural and economic resources.

Updates to the Safety Element of the General Plan (formerly entitled "Public Safety Element) were adopted by City Council on August 9, 2023 (Resolution No. 2023-50) (City of Encinitas, 2023b). The Public Safety Element was originally adopted by the City Council as part of the General Plan on March 29, 1989, through Resolution No. 1989-17. Subsequent versions of the Safety Element were adopted by City Council on December 6, 1995, through Resolution No. 1995-113. It was last updated in 1995 to address modifications associated with the California Coastal Commission's certification of the City's Local Coastal Program.

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant public service and facility goals and policies for the Project in effect on April 21, 2021 include:

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.

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

Policy 2.10:	Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing development.

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 (*Safety Element Policy S-1.3*).
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 (*Safety Element Policy S-1.2*).
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 (*Safety Element Policy S-1.1a*).

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 1.5	Provide a minimum of 15 acres of local recreational area for each 1,000 population for the entire community. This area should be devoted to neighborhood and other close-at-hand recreation facilities, community parks, and passive open space in undeveloped preserves and wilderness areas. This policy shall not be construed to reduce the minimum standards established under this Element for provision of mini, neighborhood, community, or other park land based on population or service distance.
Policy 1.7:	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.

City of Encinitas Municipal Code

According to Title 23 of the Encinitas Municipal Code, a development impact fee is needed to finance public improvements, and to pay for new development's fair share of the construction of these improvements. It is the purpose of this chapter to assess and collect fees during the subdivision or building permit processing to finance the cost of additional facilities and equipment necessitated by new development.

Municipal Code Chapter 23.98 (Parkland Acquisition and Improvements) This ordinance established parkland dedication requirements and an acquisition and improvement fees for the city. Parkland Acquisition and Development Fees, effective as of January 1, 2016, are available on the City's website at: https://www.encinitasca.gov/home/showpublisheddocument/3530/638039429211800000.

City of Encinitas Parks, Beaches, Trails and Open Space Master Plan

The City of Encinitas Parks, Beaches, Trails and Open Space Master Plan (Master Plan) was adopted by the City in 2016. Through a comprehensive planning project, the Master Plan developed recommendations that addressed the following key issues:

- Preserve and Acquire Open Space, Beaches, and Natural Areas
- Maintain What We Have: Upgrade and Repairs to Existing Facilities
- Add Amenities to Parks, Beaches, and Trails
- Increase Connectivity for Trails, Beaches, Parks, and Multi-modal Access
- Increase Programming Opportunities
- Increase Marketing, Branding, and Awareness
- Pursue Options for an Aquatic Facility
- Increase Opportunities for Active Recreation

3.8.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a public services and facilities impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a Project would generally be considered to have a significant effect if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services including:

1) Fire protection
2) Police protection
3) Schools
4) Parks
5) Other public facilities

3.8.4. Analysis of Project Effects and Significance Determination

Impact 3.8-1: Fire Protection

The Project site is located within the jurisdiction of the Encinitas Fire Department. The closest station is Fire Station 5, located at 540 Balour Drive, approximately 0.2 miles north of the Project site. Like any development project, the Project, which includes 30 single family residences, is anticipated to result in a modest increase in the demand for fire service. However, it would not require expansion or modification of the existing fire station or construction of a new fire station to maintain service ratios. The Project is also consistent with the land use designation for the site as well as the State Density Bonus Law (SDBL) and would not increase the population in the fire protection district beyond what was anticipated in the City of Encinitas General Plan and evaluated in the General Plan EIR, 2016 Programmatic EIR, and 6th Cycle Housing Element Environmental Assessment.

Further, the Project would be designed and constructed consistent with applicable codes and standards for access and fire suppression infrastructure. 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 combined with other fees collected from other projects to provide for possible future, but not yet allocated, capital facilities and equipment for fire prevention and control (Municipal Code Section 23.92.040). Payment of these fees are required prior to issuance of a building permit. For these reasons, the Project would not result in a need for expanded or alter existing fire protection or constructed facilities, in order to maintain

acceptable service ratios, response times or other performance objective. Impacts associated with fire protection services would be less than significant.

Impact 3.8-2: Police Protection

Law enforcement services are provided by the San Diego County Sheriff by the North Coastal Sheriff Station, located at 175 N El Camino Real, approximately 0.62 miles northeast of the Project site. The Project could potentially increase demand for law enforcement services by increasing activity in the area. However, the Project is consistent with the land use designation for the site and would not increase the population beyond what was anticipated in the City of Encinitas General Plan or as allowed under SDBL. The Project is not expected to require the construction of new or expanded Police Department facilities. Therefore, impacts law enforcement services would be less than significant.

Impact 3.8-3: Schools

The Project site is located within the EUSD and SDUHSD and would contribute additional school-aged children to Ocean Knoll Elementary School, Oak Crest Middle School and La Costa Canyon High School. In determining the impact of new development, school districts are required to show how many students will be generated from the new developments. To ensure that new development is paying only for the impact of those students that are being generated by new homes and businesses, the student generation factor is applied to the number of new housing units to determine development-related impacts. The student generation factor identifies the number of students per housing unit and provides a link between residential construction projects and projections of enrollment.

Student generation factors have been developed for and adopted by the Encinitas Unified and San Dieguito Union High School Districts. EUSD uses a student generation factor of 0.2006 for grades TK-6 (EUSD, 2020). SDUHSD uses a student generation factor of 0.174 for grades 7-12 (City of Encinitas, 2018b). The Project site contains six (6) single-family residences; however only three (3) of those were occupied at the time of the NOP's publication. The Project would replace all existing dwelling units (DUs) with 30 new DUs; resulting in a net increase of 27 DUs. The Project is consistent with SDBL and the City's land use designation for the site and would not increase the student demand beyond what was anticipated in the City of Encinitas General Plan and studied in the General Plan EIR, 2016 Programmatic EIR, and 2013-2021 Housing Element Update (HEU) Environmental Assessment. It should be noted that the EA found that no new or expanded school facilities would be required in conjunction with the HEU.

According to the Encinitas Union School District (EUSD), 2020. *2020 Developer Fee Justification Study*, a net increase in 26 DUs at the Project site is projected to add five (5) new students to the

Encinitas Union School District and five (5) new students to the San Dieguito Union High School District, for a total of 10 students, as shown in **Table 3.8-2**.

TABLE 3.8-2. ESTIMATED STUDENT GENERATION

District	Grade Level	Student Generation Rate	Units (Net Increase)	Estimated Students
Encinitas Union School District (a)	TK-6	0.2006 (a)	27	5
San Dieguito Union High School District	7-12	0.174	27	5
			TOTAL	**10**

Sources: (a) EUSD, 2020; (b) City of Encinitas, 2018b.
TK = Transition kindergarten for 4 year old students.

The Project Facility Availability Form from the EUSD (included as Appendix K-1D of the EIR) indicated that the Project would result in the overcrowding at Oak Knoll Elementary School. However, pursuant to Oak Knoll Elementary School's representative, Beatrix Rizo, even with the overcrowding, there is no need or current plans for the construction of a new school or expansion of Oak Knoll Elementary School as there are other schools in the district with availability. Similarly, the Project Facility Availability Form from the SDUSHD (included as Appendix K-1E of the EIR) indicated that the Project would result in the overcrowding at the Oakcrest Middle and La Costa Canyon High Schools. But like with Oak Knoll, the representative, John Addleman, for Oakcrest Middle and La Costa Canyon High schools indicated that the SDUSHD does not currently project a need for a new campus since there is availability at other campuses.

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. The payment of impact fees would offset any school impact related to increased enrollment associated with the Project. The Project is not expected to require the construction of new or expanded school facilities. The payment of required school development fees would reduce the potential increase in demand to less than significant.

Impact 3.8-4: Parks.

The housing residents may use park services; however, the population is small in comparison to the availability of resources within the City of Encinitas. The City of Encinitas has 82 acres of open space, 153 acres of both developed and undeveloped parks, and 45 acres of beaches. The Project would not remove park or recreational facilities that would require replacement elsewhere. Further, all residential development in the City is required to provide parkland dedications or in-lieu fees (Government Code Section 66007) prior to issuance of a certificate occupancy to offset the impacts of increased demand on park and recreational facilities. With the payment of impact

fees for each unit, the Project would cover any fair share costs for the provision of park resources necessary to meet City demand. This impact would be less than significant.

Impact 3.8-5: Other Public Facilities.

The addition of 30 single-family units may generate and increase the demand for library services and other government services. This increased demand is not expected to require new or expanded library or government services would be required. Both the Cardiff Sanitary District and the San Dieguito Water District would have facilities available to serve the Project (See Section 4.9 for details). The Project would not require the provision of new or physically altered governmental facilities to maintain acceptable service levels. This impact would be less than significant.

3.8.5. Mitigation Measures

No mitigation measures would be required.

3.8.6. Cumulative Impact Analysis

The geographic scope for cumulative impacts to public services and facilities includes the projects identified in **Tables 2-6** and **Table 2-7** of this EIR. With implementation of the proposed Project, potential project-related impacts associated with public services and facilities would be less than significant. Development of other 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 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 facilities.

Together, the Project, in combination with cumulative projects, 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. Potential project impacts associated with public services and facilities would be less than cumulatively considerable.

3.9. Transportation

This section addresses potential traffic impacts that may result from construction and/or operation of the Melba Road Residential Subdivision Project. The following discussion addresses the existing conditions in the Project area; identifies applicable regulations; 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 Local Transportation Analysis (LTA) prepared by LOS Engineering, Inc. (LOS, 2023a; Appendix J-1) and the Vehicle Miles Traveled (VMT) Analysis prepared by LOS Engineering, Inc. (LOS, 2023b; Appendix J-2). Third party technical reports were peer-reviewed by Willis Environmental Planning, and the City of Encinitas. Additional information was also obtained from the City of Encinitas General Plan Circulation Element (2018b) and the City of Encinitas Active Transportation Plan (City of Encinitas, 2018c).

The LTA analysis determines whether the proposed Project would conflict with the City of Encinitas General Plan adopted Circulation Element Policy 1.3 for the study intersections in the vicinity of the project. The VMT Analysis examines project-related vehicle miles traveled, as a measure of determining transportation impacts pursuant to Senate Bill 743 (SB 743).

3.9.1. Existing Conditions

Project Site

At the time the Notice of Preparation (NOP) was published, the Project site was developed with residential uses and accessory structures presented on **Table 2-4**, including six (6) residential structures; however only three (3) were occupied (two [2] SFR and one [1] ADU) and thus contributing traffic to the surrounding circulation system at the time the NOP was published. The Project site also contained ornamental landscaping, private roads and utilities.

Existing Circulation System

The Project site is located at 1220-1240 Melba Road and 1190 Island View Lane, north of Melba Road, south of Oak Crest Middle School and east of Balour Drive, and west of Crest Drive. Melba Road is a residential street, whose primary purpose is to serve abutting lots, not carry through traffic (LOS, 2023a). Melba Road is not a circulation element roadway (i.e., is not listed in the City of Encinitas Mobility Element) and therefore the Circulation Element, as amended in 2018, does not provide the vehicular capacity for this street segment. Melba Road is constructed as a two (2) lane roadway with one travel lane in each direction. The posted speed limit is 25 miles per hour and parking is allowed. As shown on **Figure 2-1, Regional Location**, regional access to the site is provided via Interstate 5, which is located one mile west of the Project site.

Airports

The McClellan-Palomar Airport, located approximately 6.0 miles north of the Project site, is the nearest airport and the Project site is not located within an adopted airport land use compatibility plan.

Transit Service

The North County Transit District (NCTD) and the Metropolitan Transit Service offer bus services (Breeze) and rail services (Coaster, Sprinter, Trolley) in the City of Encinitas. No transit service is provided on Melba Road. In the project vicinity, transit service is provided on Santa Fe Road and El Camino Real (Routes 304 and 309). Route 304 has a weekday schedule with service approximately every half hour from about 5:00 AM to 8:30 PM (NCTD, 2021a). Route 309 has a weekday schedule with service approximately every half hour from about 4:00 AM to 8:30 PM. Route (NCTD, 2021b).

The bus stop nearest the Project site is located at Santa Fe Drive and Monterey Vista Place, (Route 304) approximately 0.25 miles south of the Project site. Several other bus stops for Routes 309 and 304 are located along El Camino Real. The nearest major transit station is the Encinitas Transit Station, located approximately 1.6 miles northwest of the Project site. The Transit Station provides access to NCTD's COASTER (commuter heavy rail) and NCTD Bus Routes 101, 304, and 309.

Bicycle and Pedestrian Facilities

The only bicycle facilities in the vicinity of Project site are the "Bike Sharrow" pavement markings along the north and south sides of Melba Road.

Pedestrian facilities, in the form of sidewalks, are provided along the north side of Melba Road between Crest Drive and Balour Drive. West of Balour Drive to Regal Road, sidewalks are provided along both sides of Melba Road. Crosswalks are provided at Melba Road's intersection with Balour Drive, Evergreen Drive, Bonita Road, and Nardo Road.

3.9.2. Regulatory Framework

State

Senate Bill 375

The legislature found that with the adoption of Senate Bill (SB) 375, signed by California Governor Schwarzenegger on September 30, 2008, the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas emissions, as required by the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32).

SB 375 provides a planning process that coordinates land use planning, regional transportation plans, and funding priorities in order to help California meet GHG reduction goals established in AB 32 (discussed in detail in Section 4.4, Greenhouse Gas Emissions). SB 375 requires regional transportation plans, developed by metropolitan planning organizations (MPOs) to incorporate a "Sustainable Communities Strategy" (SCS) in its regional transportation plan (RTP). The SCS is intended to demonstrate how the coordination of land use and transportation planning efforts may achieve GHG emissions reduction targets set by AB 32. If an SCS cannot achieve the GHG emissions target, the Metropolitan Planning Organization (MPO) is required to adopt an "alternative planning scenario" that will demonstrate what would need to be done to achieve the GHG emissions reduction target and to define the barriers to accomplishing the reduction.

Assembly Bill 1358

AB 1358 (Complete Streets Act) commenced on January 1, 2011, and requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, including motorists, pedestrians, bicyclists, children, seniors, persons with disabilities, and users of public transportation. This bill imposes a state-mandated local program.

Senate Bill 743 (SB 743)

Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. Previously, environmental review of transportation impacts was focused on the delay that vehicles experience at intersections and on roadway segments. That delay was measured using a metric known as "level of service," or LOS. Under SB 743, the focus of transportation analysis shifted from "driver delay" to a reduction of greenhouse gas emissions, creation of multimodal networks and promotion of a mix of land uses. SB 743 required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to level of service for evaluating transportation impacts.

To this end, OPR has certified and adopted changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines in December 2018, automobile delay, as measured by "level of service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).). The California OPR Technical Advisory developed guidance on implementing Senate Bill 743 (SB 743) that shifts the transportation impact measure of effectiveness from LOS to VMT. OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA* states on page 8 "As noted above, lead agencies have the discretion to set or apply their own thresholds of significance" (LOS, 2023b).

CEQA Guidelines Section 15064.3 – Determining the Significance of Transportation Impacts

State CEQA Guidelines Section 15064.3 was adopted in December 2018 to implement SB 743. In addition to establishing Vehicle Miles Traveled (VMT) as the most appropriate measure of transportation impacts, and shifting away from LOS, primary elements of this section:

- Reiterate that a project's adverse effect on automobile delay, as described solely by level of service or similar measures of vehicle capacity or traffic congestion, shall not be considered a significant impact on the environment (Public Resources Code Section 21099(b)(2);
- Create a rebuttable presumption of no significant transportation impacts for (a) land use projects within 0.5-mile of either an existing major transit stop or a stop along an existing high-quality transit corridor, (b) land use projects that reduce VMT below existing conditions, and (c) transportation projects that reduce or have no impact on VMT;
- Allow a lead agency to qualitatively evaluate VMT if existing models are not available; and
- Give lead agencies discretion to select a methodology to evaluate a project's VMT but requires disclosure of that methodology in the CEQA documentation. Lead agencies are required to comply the with CEQA Guideline revisions no later than July 1, 2020. To assist lead agencies in this endeavor, the State Office of Planning and Research (OPR) has also published a Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018), which provides guidance in the calculation and application of VMT analyses within CEQA documents. Page 8 of the OPR's Technical Advisory notes that lead agencies have the discretion to set or apply their own thresholds of significance.

Regional

2021 Regional Plan: San Diego Forward

The San Diego Association of Governments (SANDAG), acting as the Regional Transportation Planning Agency (RTPA), approved the 2021 Regional Plan on December 10, 2021. The 2021 Regional Plan includes a blueprint for a regional transportation system, serving existing and projected residents and workers within the San Diego region that further enhances quality of life and offers more mobility options for people and goods. The approved 2021 Regional Plan combines the Regional Transportation Plan (RTP), Sustainable Communities Strategy (SCS), and Regional Comprehensive Plan (RCP) and has a planning horizon of the year 2050. The underlying purpose of the Plan, in summary, is to develop a Regional Plan that addresses the many regional transportation challenges that are deeply connected to larger societal issues that impact everyone's quality of life, including economic and social inequities, climate change, public health, and safety. The 2021 Regional Plan includes a road user charge (RUC).

Additionally, the 2021 Regional Plan 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. It 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 Senate Bill 375 and as noted above, the plan includes a Sustainable Communities Strategy that provides regional guidance for reduction of GHG emissions to state mandated levels over upcoming years.

Amendment to the 2021 Regional Plan

On September 23, 2022, the SANDAG Board of Directors (Board) instructed staff to prepare, "a focused amendment of the 2021 Regional Plan without the regional RUC and a supplemental California Environmental Quality Act analysis for Board consideration within one year..." The proposed amendment removes the regional RUC from the 2021 Regional Plan, updates the financial strategies necessary to demonstrate that it will have sufficient revenues to pay for the planned transportation improvements, and documents federal Air Quality Planning and Transportation Conformity. This amendment also analyzes consistency with state targets to reduce greenhouse gas (GHG) emissions consistent with Senate Bill 375 (SB 375).

The proposed amendment is focused on the removal of the regional RUC from the 2021 Regional Plan and provides updated revenue assumptions. There are no other proposed changes to the transportation projects, programs, or policies identified in the 2021 Regional Plan. On October 13, 2023, SANDAG's Board approved the Amendment to the 2021 Regional Plan which did not include the RUC (Resolution No. 2024-07).

2025 Regional Plan

As the RTPA for the Southern California region, SANDAG is required to adopt and submit an updated RTP to the California Transportation Commission and the California Department of Transportation (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.

SANDAG staff is currently preparing the 2025 Regional Plan, which will consist of a RTP and an SCS to identify the future of the San Diego region's transportation investments and growth. The 2025 Regional Plan will build on the visioning completed for the 2021 Regional Plan with the latest planning assumptions to identify projects, programs, and policies to achieve the state's emissions reduction targets and attain federal air quality conformity standards. SANDAG anticipates the 2025 Regional Plan will be completed in the Fall of 2025.

Local

City of Encinitas General Plan

The City of Encinitas General Plan (General Plan) serves as a blueprint for the long-range physical planning of the City. The General Plan contains goals and policies designed to shape the long-term development of the City, as well as protect its environmental, social cultural and economic resources.

The Circulation Element of the General Plan establishes policies and programs to ensure a sound, safe and sensible circulation system which promotes the efficient movement of people and goods in and around the City. The policies and programs also ensure that all components of the City's circulation system meet the future transportation needs of the City (City of Encinitas, 2018b).

The Circulation Element, as amended in 2018, identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public utilities and facilities, all correlated with the Land Use Element of the General Plan. It also addresses the circulation improvements needed to relieve congestion, to provide mass transit services, and to lessen long-term air quality impacts related to transportation and establishes a hierarchy of transportation routes with specific development standards described for each category of roadway.

In Spring 2021, the City began the process of updating its Circulation Element, renamed as the "Mobility Element", to create a framework to implement Senate Bill 743 (SB 743) described above. As part of the update, the Mobility Element will consolidate policies in its various strategic, community and neighborhood plans, several of which are laid out in the City's Climate Action Plan (CAP). The Mobility Element is anticipated to be complete and available for City Council consideration in Summer 2024 (City of Encinitas, 2023c).

Relevant General Plan Goals and Policies

The proposed Project submitted a complete application pursuant to the Housing Crisis Act of 2019, Senate Bill 330 (SB 330), on April 21, 2021. In accordance with SB 330 (California Government Code §65589.5(o)(i)) the Project is subject only to the ordinances[1], policies, and standards adopted and in effect when the preliminary application was submitted. The relevant General Plan goals and policies for the Project in effect on April 21, 2021 include:

[1] "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions (California Government Code §65589.5(4).

Circulation Element

GOAL 1:	Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.
Policy 1.2:	Endeavor to maintain Level of Service C as a basic design guideline for the local system of roadways understanding that the guideline may not be attainable in all cases.
Policy 1.3:	Prohibit development which results in Level of Service E or F at any intersection unless no alternatives exist, and an overriding public need can be demonstrated.
Policy 1.10:	Encourage the design of roads and traffic controls to optimize safe traffic flow by minimizing turning, curb parking, uncontrolled access, and frequent stops.
Policy 1.15:	The City will actively support an integrated transportation program that encourages and provides for mass transit, bicycle transportation, pedestrians, equestrians, and carpooling.
Policy 1.17:	Standards shall be established and implemented to provide for adequate levels of street lighting, based on criteria of safety and related to volumes of vehicular, pedestrian and bicycle activity and potential points of conflict. Such standards shall be designed to respect different community and neighborhood needs for lighting, different community standards for design and special attention given to preservation of dark sky.
GOAL 2:	**The City will make every effort to develop a varied transportation system that is capable of serving both the existing population and future residents while preserving community values and character.**
Policy 2.2:	Require new residential development to have roadways constructed to City standards before the roads can be dedicated to the City.
Policy 2.10:	Establish landscaping buffer and building setback requirements along all roads which are local augmented status or larger, except where inappropriate.
Policy 3.8:	A program shall be developed to install sidewalks or paths, where appropriate, around schools, churches, active parks, commercial and other areas of pedestrian activity where public safety or welfare is at issue (Coastal Act/30252)

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**.

City of Encinitas Active Transportation Plan (ATP)

The 2018 Active Transportation Plan (ATP) updates and consolidates the City's active transportation planning efforts including the previous Bikeway Master Plan, the "Let's Move, Encinitas Pedestrian and Safe Routes to School Plan" and the Trails Master Plan (City of Encinitas 2018b). The ATP Plan's intent is to better address not only local travel needs, but crosstown and regional bicycle and pedestrian travel as well. The ATP's study area includes the entirety of the City of Encinitas and its objectives included establishing bicycling and walking facility types, and identifying connections between the City's bikeway system and the regional system. The ATP recommended bikeway and walkway system improvements throughout the City. In the vicinity of the Project site, recommendations include:

- A Class III Bike Route on Melba Road, from Regal Road to Crest Drive;
- A Class II Bike Route on Balour Drive, from Encinitas Boulevard to Melba Road
- A Class III Bike Route from Melba Road to Santa Fe Drive.

The ATP identifies all of the above referenced bicycle facilities as consisting of stripped bicycle lanes where right-of-way allows and "sharrow" stripping and signage along constrained segments.

The ATP also recommended pedestrian facilities in the vicinity of the Project site in the form of a "Type 4 Sidewalk" (i.e., paved walkways along roadways edges.) on Melba Road, Balour Drive and Crest Drive.

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 basis with the objective of maintaining and/or enhancing further connectivity and circulation of pedestrian, bicycle, and vehicular transport. Furthermore, the amended Municipal Code is applied to all areas and zones within the City, including when a subdivision is or is not requested as a part of a development application.

City of Encinitas SB 743 VMT Analysis Guidelines

As previously noted, Senate Bill (SB) 743 was passed by the legislature and signed into law in the fall of 2013. This legislation led to a change in the way that transportation impacts are measured under the California Environmental Quality Act (CEQA). The California Natural Resources Agency updated the Guidelines for the Implementation of the CEQA Guidelines in December 2018. Per the CEQA Guidelines, starting on July 1, 2020, automobile delay and LOS are no longer used as the performance measure to determine the transportation impacts of land development projects under CEQA. Instead, an alternative metric that supports the goals of the SB 743 legislation is necessary.

The City has prepared Draft Vehicle Miles Traveled (VMT) Analysis Guidelines, which, once approved by City Council, will be utilized to assess the potential effects of new development on the City's roadway and mobility system.

3.9.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a traffic impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact 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.

3.9.4. Analysis of Project Effects and Significance Determination

Analysis Methodology & Significance Criteria

Vehicle Miles Traveled (V)MT Analysis

Pursuant to CEQA Guidelines Section 15064.3(c), beginning on July 1, 2020, the provisions of SB 743 apply statewide. A VMT Analysis was prepared for the Project, and is provided as Appendix J-2. At the request of the City of Encinitas, the VMT analysis was based on the San Diego Institute of Transportation Engineers (ITE) "Guidelines for Traffic Impact Studies in the San Diego Region", May 2019. The 2019 San Diego ITE guidelines state that projects with less than 1,000 Average

Daily Traffic (ADT) that are consistent with the zoning are presumed to have less than significant VMT impacts.

Local Transportation Analysis (LTA)

With implementation of Senate Bill 743, automobile delay, as measured by level of service is no longer considered a significant effect on the environment. Therefore the Local Transportation Analysis, prepared by LOS Engineering in 2023 (LOS, 2023a; Appendix J-1) was conducted to determine whether the Project would conflict with the City of Encinitas General Plan Circulation Element Policy 1.3 for intersections in the project vicinity of the project and whether off-site roadway improvements would be necessary. This level of service (LOS) analysis is only addressed in this EIR as it relates to the Project's consistency with the City's General Plan Circulation Element Policy 1.3.

The study area and scenarios evaluated in the LTA includes three (3) intersections; and two (2) scenarios presented described below:

Study Area Intersections

- Melba Road/Balour Drive (Un-Signalized)
- Melba Road/Project Access (Future Intersection)
- Melba Road/Crest Drive (Un-Signalized)

Traffic Scenarios

- Existing Conditions
- Existing + Project Conditions

Existing Traffic Volumes and LOS Analysis

To assess existing traffic operations, traffic counts were taken on August 26, 2021 and September 6, 2021(2). During this period students in the Encinitas Union School District and the San Dieguito Union High School District had returned to five-days a week in-person learning following school closures in March 2020 due to the novel coronavirus pandemic. There were no stay-at-home orders in place during the data collection.

Intersection counts were collected from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM to represent the AM and PM peak travel periods, respectively on Thursday, August 26, 2021. Daily traffic counts (24 hour) were collected along Melba Road, between Balour Drive and Crest Drive on September 6, 2021.

Level of Service Approach

Level of Service (LOS) is the term used to denote the performance of transportation elements (i.e., roadways, intersections, freeway entrances, etc.) under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as

[2] Encinitas Union School District and San Dieguito Union High School District returned to in-person learning five-days a week on August 17, 2021. https://patch.com/california/encinitas/back-school-encinitas-2021-22-school-calendar.

roadway geometries, signal phasing, speed, travel delay, freedom to maneuver, and safety. LOS designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst operating conditions.

For intersections, the 6th Edition of the Highway Capacity Manual (HCM) defines LOS in terms of average control delay per vehicle, which is measured in terms of the number of seconds each vehicle takes to move through an intersection. **Table 3.9-1** summarizes the level of service criteria for intersections.

TABLE 3.9-1: INTERSECTION LEVEL OF SERVICE DEFINITIONS [(a)]

Level of Service	Unsignalized Control Delay for TWSC, AWSC, and Roundabout (Sec/Veh where v/c < 1)	Signalized Control Delay (sec/veh where v/c < 1)
A	0-10	< 10
B	> 10-15	> 10-20
C	> 15-25	> 20-35
D	> 25-35	> 35-55
E	> 35-50	> 55-80
F	> 50	> 80

Notes: (a) 6th Edition Highway Capacity Manual, 2016.
TWSC = Two Way Stop Control. AWSC: All Way Stop Control.
Sec/Veh = seconds per vehicle delay v/c = volume to capacity ratio.
Source: LOS, 2023a (Appendix J-1).

As shown on **Table 3.9-2**, all study area intersections were found to operate at Level of Service (LOS) C or better under existing conditions.

TABLE 3.9-2: EXISTING INTERSECTION OPERATIONS

Intersection	Approach	Peak Hour	Existing Delay (in seconds)	LOS
Melba Road at Balour Drive (U)	All	AM	16.1	C
	All	PM	11.4	B
Melba Road at Project Driveway (U)	SB	AM	DNE	NA
	SB	PM	DNE	NA
Melba Road at Crest Drive (U)	EB	AM	9.5	A
	EB	PM	7.5	A

Notes: (U) = Unsignalized Intersection. LOS = Level of Service. SB =- Southbound
EB = Eastbound DNE = Intersection does not exist under existing conditions.
Source: LOS, 2023a (Appendix J-1).

Project Traffic Generation

Project traffic generation was calculated using the San Diego Association of Governments (SANDAG) trip rates from the *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, April 2002*. As noted in Section 3.9.1, the Project site contains six (6) single-family residences; however only three (3) of those were occupied and generating traffic at the time of the NOP's publication. A traffic credit was applied to the Project traffic generation from these three (3) existing single-family residences, which would be replaced by the Project. As shown on **Table 3.9-3,** the net change in trip generation from the Project site is calculated at 270 average daily trips (ADT), 21 AM peak hour trips (6 inbound and 15 outbound), and 27 PM peak hour trips (19 inbound and 8 outbound). Project trips were assigned and distributed to the adjacent roadway network as shown in Appendix J-1, Figure 5 and, Figure 6.

TABLE 3.9-3: PROJECT TRAFFIC GENERATION

Proposed Land Use				AM Peak Hour					PM Peak Hour				
	Rate	Units	ADT	%	Split*		In	Out	%	Split *		In	Out
Existing Homes to be Removed													
Single Family Homes	10/DU	- 3/DU	-30	8%	0.3	0.7	-1	-2	10%	0.7	0.3	-2	-1
Proposed Project													
Single Family Homes	10/DU	30/DU	300	8%	0.3	0.7	7	17	10%	0.7	0.3	21	9
Net Change:		**27/DU**	**270**				**6**	**15**				**19**	**8**

Notes: DU = Dwelling Unit. ADT = Average Daily Traffic.
Rate – Trips per DU. Vehicle trips rounded to nearest whole number.
* = Split-percent between inbound & outbound trips.
Source: LOS, 2023a (Appendix J-1).

Existing + Project Condition

Table 3.9-4 summarizes the Existing + Project intersection operations. As shown on **Table 3.9-4**, the addition of project traffic to study area intersections would not change their levels of service and none of them would operate below LOS C during the AM or PM peak hours.

TABLE 3.9-4: EXISTING + PROJECT INTERSECTION OPERATIONS

Intersection	Peak Hour	Existing		Existing + Project		General [(c)] Plan Conflict (?)
		Delay [(a)]	LOS [(b)]	Delay [(a)]	LOS [(b)]	
Melba Road at Balour Drive	AM	16.1	C	16.8	C	No
	PM	11.4	B	11.7	B	No
Melba Road at Project Dwy (SB)	AM	DNE	NA	9.6	A	No
	PM	DNE	NA	9.0	A	No

TABLE 3.9-4: EXISTING + PROJECT INTERSECTION OPERATIONS

Intersection	Peak Hour	Existing		Existing + Project		General [c] Plan Conflict (?)
		Delay [a]	LOS [b]	Delay [a]	LOS [b]	
Melba Road at Crest Drive (EB)	AM	9.5	A	9.5	A	No
	PM	7.5	A	7.5	A	No

Notes: (a) = Average delay expressed in seconds per vehicle.
(b) = LOS = Level of Service.
(c) = General Plan Circulation Element Policy 1.3 conflict if Project traffic causes and LOS E or LOS F.
DNE – Intersection does not exist under existing conditions.

Source: LOS, 2023a (Appendix J-1).

Impact 3.9-1: Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project does not propose any features that are inconsistent with applicable policies of the City's General Plan Circulation Element. Further, the proposed residential use is consistent with that assumed for the subject site in the City's General Plan Housing Element Update, and therefore, the Project would not result in a land use considered to be incompatible with surrounding uses.

A discussion of potential impacts is provided below.

General Plan Consistency

As presented in the Local Transportation Analysis, the addition of Project traffic to intersections in the project vicinity would not change their levels of service and none of them would operate below LOS C during the AM or PM peak hours (**Table 3.9-4**). Therefore, the Project does not conflict with Policy 1.3 of the City's General Plan Circulation Element which prohibits development which results in Level of Service E or F. Off-site roadway improvements are not required.

Similarly, as described in Section 2.3.3, Parking, the Project would provide 112 off-street parking spaces (**See Figure 2-7, Curb Utilization Exhibit**), which exceeds the minimum off-street parking spaces requirement of 87 spaces. Therefore, the Project would not conflict with Policy 1.10 of the City's General Plan Circulation Element which encourages minimizing curb parking. Consistent with Policy 1.15, pedestrian access within the Project site would be provided via installation of a pedestrian sidewalk, 5.0 feet in width, along the west side of the new Private Road from Melba Road. No conflict with an applicable program, plan, ordinance, or policy addressing the circulation system would occur with regard to area intersections affected by the Project.

Transit, Bicycle, Pedestrian Facilities

The proposed Project would support transit, bicycle, and pedestrian circulation throughout the Project site and the surrounding environment and would not conflict with any plans or policies regarding existing or proposed transit, bicycle, and pedestrian facilities in the study area.

The Project includes the installation of pedestrian sidewalks within the site and sidewalk improvements across the project frontage on Melba Road. All pedestrian facilities would meet American Disability Act (ADA) requirements and adhere to City design guidelines. Additionally, as NCTD bus routes (Routes 304 and 309) is provided on Santa Fe Road and El Camino Real, the Project would not conflict with or result in the change of bus routes in the study area; thus would not delay, impact, or reduce the service level of transit in the area.

Bicycle facilities in the immediate vicinity of Project site include the "Bike Sharrow" pavement markings along the north side of Melba Road. The 2018 Active Transportation Plan (ATP) recommended the following bikeway and walkway system improvements for the project area:

- A Class III Bike Route on Melba Road, from Regal Road to Crest Drive;
- A Class II Bike Route on Balour Drive, from Encinitas Boulevard to Melba Road
- A Class III Bike Route from Melba Road to Santa Fe Drive.

The ATP indicates that the above referenced bicycle facilities would consist of stripped bicycle lanes where right-of-way allows and "sharrow" stripping and signage along constrained segments. The ATP also recommended pedestrian facilities in the vicinity of the Project site in the form of a "Type 4 Sidewalk" (i.e., paved walkways along roadways edges.) on Melba Road, Balour Drive and Crest Drive.

The Project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. Moreover, proposed pedestrian improvements are consistent with those identified in the ATP. As such, the Project would be in conformance with adopted policies, plans, and programs regarding public transit, bicycle, and pedestrian facilities and would not result in a conflict with the City's General Plan supporting alternative transportation modes. Impacts would be less than significant.

Construction Phase

Short-term construction traffic would be generated with construction of the proposed Project. This would include traffic from construction workers and truck traffic for material removal (i.e., grading export and vegetation, demolition debris grading and soil remediation export) and material delivery (i.e., building materials, water, etc.), anticipated to be spread throughout the day. Hauling the exported material from the Project represents the peak construction period. As described in Chapter 2.0, Project Description, the Project would export require approximately 24,500 cubic yards (CY)

of cut and 5,500 CY of fill, resulting in 19,000 CY of exported material over an approximately 30 working day period, for site preparation and grading. grading, creation of the building pads and improvement areas, and installation all underground utilities and stormwater detention basin. Additionally, as discussed in Section 3.5, Hazardous Materials, approximately 200 CY of pesticide-impacted soil present will require disposal at an appropriate offsite waste disposal facility.

Assuming each haul truck has a capacity of 16 CY, export operations would require a total of 937.5 truck trips (19,200 CY ÷ 16 CY/truck = 1,200 trucks). Over an 8-hour work day, this equates to 4 trucks per hour (1,200 trucks ÷ 30 days ÷ 8 hours/day ≈ 5 trucks per hour) and the vast majority of these trips would occur outside the peak commuter periods. This number of truck trips falls below the standard threshold requiring analysis, which is 50 peak hour trips.

The contribution of construction trips to the surrounding street system was not modeled because anticipated trip volumes would be temporary and would not generate more than 50 peak hour trips, which is the threshold for modeling. Traffic generated by construction activities would be temporary and would not result in direct impacts on key intersections in the study area. Traffic impacts related to construction activities would be less than significant and no mitigation would be required.

Impact 3.9-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Pursuant to CEQA Guidelines Section 15064.3(c), beginning on July 1, 2020, the provisions of SB 743 apply statewide. A VMT Analysis was prepared for the Project, and is provided as Appendix J-2. At the request of the City of Encinitas, the VMT analysis was based on the San Diego Institute of Transportation Engineers (ITE) "Guidelines for Traffic Impact Studies in the San Diego Region", May 2019.

The 2019 San Diego ITE guidelines state that projects with less than 1,000 average daily trips (ADT) that are consistent with the General Plan are presumed to have less than significant VMT impacts absent substantial evidence otherwise (LOS, 2023b; Appendix J-2). The Project, with a net change in trip generation of 270 ADT (**Table 3.9-3: Project Traffic Generation**) is below the 1,000 ADT thresholds and is consistent with the Encinitas General Plan. Therefore, according to the San Diego ITE Guidelines the proposed Project is deemed to have a less than significant VMT traffic impact.

For this reason, implementation of the proposed Project would not conflict with, nor would it be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1) and no VMT mitigation measures would be required.

Impact 3.9-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

The proposed Project does not propose any change in the design of the existing roadways or any alterations and the amount of traffic added to local street segments would be less than significant,

the proposed Project would not substantially increase hazards due to design features or incompatible uses.

To ensure adequate access to the site, the Project includes installation of a new 28-foot-wide private road from Melba Road, which would extend northward into the site and terminate in a cul-de-sac (**Figure 2-3, Proposed Lot Layout**). All roadway access improvements has been designed in conformance with City engineering design standards for a private roadway (EMC 10.04.020 Chapter 5 Section 503.2.1 Dimensions, Exceptions (3)) and are subject to City and Fire Department review and approval to minimize potential hazards or effects on public safety. Therefore, the project does not propose any roadway improvements that would result in sharp curves or dangerous intersections either on-site or offsite.

Additionally, in conformance with City requirements, the project applicant would prepare a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during the construction phase. Implementation of the traffic control plan would ensure that no hazardous conditions are created that would interfere with public safety and/or emergency vehicle movement during project construction. Based on the above discussion, the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant and not mitigation is required.

Impact 3.9-4: Result in inadequate emergency access.

As stated under Impact 3.9-3, primary access to the Project site would be provided from Melba Road. The Project does not propose any improvements to Island View Lane, and would eliminate pedestrian and automobile access to the site from this roadway with the installation of a masonry retaining wall at the rear of Lot 10.

Interior circulation and access to the residences would be provided via a two-lane 28-foot-wide private road from Melba Road, which would extend northward into the site and terminate in a cul-de-sac. On-street parking would be allowed on the west side of this street. Parking on the east side of the street would be prohibited and would be labeled with a "No Parking Fire Lane" sign (**See Figure 2-7, Curb Utilization Exhibit**).

Emergency vehicle turnarounds would be provided within the cul-de-sac to ensure that adequate movement of emergency vehicles can be accommodated. This feature, combined with the No Parking Fire Lane signage described above would ensure that emergency access is maintained at all times.

All roadway access improvements have been designed in conformance with City engineering design standards for a private roadway (EMC 10.04.020 Chapter 5 Section 503.2.1 Dimensions, Exceptions (3)) for emergency access and circulation. The Project would not alter any established emergency

vehicle routes or otherwise interfere with emergency access. As stated above, a traffic control plan would be prepared to ensure that adequate access and circulation is maintained on all surrounding streets during the project construction phase. For the reasons above, the Project would not result in inadequate emergency access. Impacts would be less than significant, and no mitigation is required.

3.9.5. Mitigation Measure(s)

No mitigation measures are required.

3.9.6. Cumulative Impact Analysis

For cumulative analysis, the geographic scope for traffic impacts includes the entire City. 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 transportation impacts are summarized in **Tables 2-6 and 2-7** of this EIR.

As noted in the California Office of Planning and Research's *2019 Technical Advisory on Evaluating Transportation Impacts in* CEQA a project's cumulative impacts are based on an assessment of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (Pub. Resources Code, § 21083, subd. (b)(2); see CEQA Guidelines, § 15064, subd. (h)(1).) A project that falls below a screening level 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. This is similar to the analysis typically conducted for greenhouse gas emissions, air quality impacts, and impacts that utilize plan compliance as a threshold of significance. (See Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal.4th 204, 219, 223; CEQA Guidelines, § 15064, subd. (h)(3).).

The proposed Project would result in a net increase in trip generation of 270 ADT (**Table 3.9-3: Project Traffic Generation**). This is below the San Diego ITE "*Guidelines for Traffic Impact Studies in the San Diego Region*" threshold of 1,000 ADT. Therefore, the proposed Project is deemed to have a less than significant VMT traffic impact. Because the Project is consistent with the Encinitas General Plan. according to the San Diego ITE Guidelines and with the 2021 Regional Plan, its incremental effects on VMT would not be cumulatively considerable and cumulative impacts would be less than significant.

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3.10. Tribal Cultural Resources

This section addresses potential tribal cultural resource impacts that may result from construction and/or operation of the Proposed Project. The following discussion addresses the existing conditions in the Project area, identifies applicable regulations, 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 *Cultural Resources Assessment Report* prepared by Cogstone Resource Management (2022; Appendix D-1). Third party technical reports were peer reviewed by Willis Environmental Planning and the City of Encinitas. The analysis also includes the results of the City of Encinitas' consultation with the San Luis Rey Band of Mission Indians and the Rincon Band of Luiseno Indians, in accordance with California Assembly Bill (AB) 52 requirements (see Appendix D-2).

3.10.1. Existing Conditions

Refer to Section 3.4 Cultural Resources of this Draft EIR for a discussion of the development, history and background of the Project site. The cultures that have been identified in the general vicinity of the Project area include the Paleo Indian Period manifestation of the San Dieguito Complex, the Early Archaic Period represented by the La Jolla Complex/Encinitas Tradition, and the Late Prehistoric Period represented by the Kumeyaay Indians. Following the Hispanic intrusion into the region, the Presidio of San Diego, the Mission San Diego de Alcalá, and the Pueblo of San Diego were established.

3.10.2. Regulatory Framework

Federal

United States Code, Title 25, Sections 3001 et seq.

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

State

Assembly Bill 52

The Native American Historic Resource Protection Act (AB 52) took effect July 1, 2015 and incorporates tribal consultation and analysis of impacts to Tribal Cultural Resources (TCRs) into the CEQA process. It requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require an NOP of an EIR

or Notice of Intent to adopt an ND or MND are subject to AB 52. A significant impact on a TCR is considered a significant environmental impact and requires feasible mitigation measures.

AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. TCRs must have certain characteristics:

1) Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. (Public Resources Code [PRC] § 21074[a][1]).

2) 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 Section 5024.1 The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it support its determination with substantial evidence and consider the resource's significance to a California tribe.

The following is a brief outline of the process lead agencies follow in consulting with California Native American tribes. (PRC §Section 21080.3.1 through 3.3):

1) A California Native American tribe requests in writing to be notified by lead agencies through formal notification of proposed projects in the geographic area with which it is traditionally and culturally affiliated

2) Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to the designated contact or tribal representative of all tribes who have requested formal notification.

3) A tribe must respond in writing within 30 days of receiving the formal notification if it wishes to engage in consultation.

4) The lead agency must initiate consultation within 30 days of receiving the request from the tribe.

5) Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, or a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.

6) Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

Native American Historic Resource Protection Act

Public Resources Code Sections 5097 et seq. codify the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal public lands. Section 5097.9 states that no public agency or private party on public property shall "interfere with the free expression or exercise of Native American Religion." The code further states that:

> No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine… except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres.

California Health and Safety Code

California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

3.10.3. Thresholds for Determination of Significance

This section lists the thresholds used to conclude whether a tribal cultural resource impact would be significant.

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, a project would be considered to have a significant impact 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 the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) 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).

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in Subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.10.4. Analysis of Project Effects and Significance Determination

Impact 3.10-1: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

No sacred lands have been identified on the Project site by the NAHC or a California Native American Indian tribe, and no objects with cultural value to a Native American Indian tribe have been identified on the Project site.

According to the Cultural Resources Study (Cogstone, 2022; Appendix D-1), the Project site is not currently listed on any historic resource lists/databases, including the National Register of Historic Places, California State Historical Landmarks, California Points of Historical Interest, California Register of Historic Resources or the City of Encinitas Register of Historic Places. No prehistoric cultural resources were observed during the intensive pedestrian cultural resources survey conducted by Cogstone Resource Management .

A Scared Lands File (SLF) search was requested of NAHC and a response was received on June 10, 2021. The results of the SFL yielded negative results, indicating the NAHC had no record of sacred lands or resources listed within the Project area. The NAHC provided a list of 22 Native American tribes to obtain information regarding cultural resources. Cogstone submitted notification letters to all Native American individuals and organization provided on the NAHC Notification list on July 13, 2021, via United States Postal Service certified mail. Cogstone contacted those tribes and individuals who had not responded within two weeks of the letter via electronic mail on July 27, 2021.

Responses were received from the Jamul Indian Village, Rincon Band of Luiseño Indians, San Pasqual Band of Mission Indians, and the Viejas Band of Kumeyaay Indians indicating that that the Project area is within their Traditional Use Area (TUA).

San Luis Rey Band of Mission Indians

In accordance with the requirements of PRC Section 21080.3.1, on December 16, 2021 the City of Encinitas notified the San Luis Rey Band of Mission Indians of the proposed Project. The San Luis Rey Band is the local tribe that is traditionally and culturally affiliated with the project area and have previously requested notification by the City of Encinitas of projects in their geographic area. The San Luis Rey Band of Mission Indians responded within the 30-day formal notification period requesting consultation as well as copies of the Cultural Resources Assessment Report for the Project, with any confidential appendices to the Phase I Cultural Resources Report (Appendix D-1), the geotechnical report for the Project. These documents, along with copies of the civil plans were provided to Cami Mojado at the San Luis Rey Band of Mission Indians. A consultation meeting with the City occurred on February 28, 2022. Following the meeting, a copy of the EIR's proposed cultural resource mitigation measures, presented in Section 3.3.4 of the Draft EIR, were also provided to Ms. Mojado.

The San Luis Rey Band of Mission Indians did not inform the City of any tribal cultural resources within the project area; but did review the EIR's proposed cultural resource mitigation measures, presented in Section 3.3.4. The City followed up with an email to the San Luis Rey Band of Mission Indians on Monday, March 7, 2022 to inquire if any comments on the cultural resources report or mitigation measures would be forthcoming. As of the date of the Draft EIR's publication, no additional comments have been received from the San Luis Rey Band of Mission Indians.

Rincon Band of Luiseño Indians

The City also initiated the AB-52 Consultation Process with the Rincon Band of Luiseño Indians ("Rincon Band") who noted that the Project site is within the Traditional Use Area (TUA) of the Luiseño people. As such, the Rincon Band is traditionally and culturally affiliated to the project area. In an email dated December 12, 2022, the Rincon Band requested formal consultation and the following documents were provided: Cultural Resources Assessment Report for the Project, along with the confidential appendices (Appendix D-1); Biological Assessment Letter Report and Arborist Report/Tree Survey (Appendices C-1 and C-2, respectively); and the Project's architectural plans (Appendix L); grading plans (**Figures 2-5a, 2-5b**, and **2-5c**) and the civil plans.

A consultation meeting with the City occurred on January 17, 2023. The Rincon Band did not inform the City of any tribal cultural resources within the project area. Rincon's Tribal Historic Preservation Office reviewed the documents provided. The letter indicated the Tribe believes the potential exists that archaeological resources will be unearthed during ground-disturbing activities associated with Project and that tribal cultural resources such as native trees and shrubs utilized in traditional practices will be impacted by the Project.

Recommended mitigation for potential impacts to archaeological resources that could be unearthed during project construction and recommended i archaeological and tribal monitoring for all ground

disturbing activities, a monitoring report, and protocols for discovery of cultural material and human remains. Per the mutual agreement of the City and the tribe, formal consultation with the Rincon Band of Luiseño Indians was concluded on March 16, 2023. A copy of the Conclusion of Consultation Letter is contacted in Appendix D-2.

With implementation of mitigation measures **MM CUL-1** through **MM CUL-8** and conformance with applicable state regulations the Project would not result in a substantial adverse change in the significance of a tribal cultural resource 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). No impacts to known tribal cultural resources would occur.

Impact 3.10-2: Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Based on coordination to date, Native American representatives have not provided information indicating there are resources that are significant to a California Native American tribe or otherwise qualify as Tribal Cultural Resources, as defined in Public Resources Code Section 5024.1. Notwithstanding the current lack of evidence of the known resources on the Project site, it is considered sensitive for potential TCRs (buried cultural resources and/or subsurface deposits). Therefore, there is the potential for inadvertent discovery of TCRs that could be impacted by project implementation due to the existing conditions, anticipated grading activities and proposed excavation depths. Therefore, there is the potential for inadvertent discovery of a resource that could be impacted by project implementation. Impacts would be considered potentially significant.

3.10.5. Mitigation Measures

Implementation of Mitigation Measures MM CUL-1 through MM CUL-8 would reduce potentially significant impacts to TCRs to below a level of significance.

Level of Significance After Mitigation

Less than significant.

3.10.6. Cumulative Impact Analysis

Other development projects in the region as shown in **Table 2-6, Potential Cumulative Projects and Table 2-7, Potential Cumulative Projects – 6th Cycle Housing Element Update Projections**, would also involve ground disturbances and thus could disturb surface or buried TCRs. Without proper mitigation, the cumulative effects of these types of development projects on cultural resources could be significant.

The Project and cumulative study area for TCRs is the geographic 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 and Rincon Band of Luiseño Indians are traditionally and culturally affiliated. Cumulative impacts to TCRs would occur if the impacts of the proposed Project, in conjunction with potential cumulative projects listed on **Tables 2-7 and 2-8**, result in multiple and/or cumulative impacts to TCRs. A total of four (4) prehistoric resources have been recorded on the Project site or within a half-mile radius of the site, and no sacred sites are documented on or adjacent to the Project site, and therefore the likelihood of discovering tribal cultural resources is very low. However, it is possible that TCRs could be present within the traditional lands, and the City of Encinitas and other lead agencies are required to notify and potentially consult with the San Luis Rey Band of Mission Indians and the Rincon Band of Luiseño Indians under AB 52. Additionally, on August 11, 2022, the San Pasqual Band of Mission Indians submitted a written request to the City of Encinitas to be notified of proposed projects within the City. For this reason, the City will also be required to notify and potentially consult with the San Pasqual Band for all cumulative projects received after August 11, 2022.

Implementation of Mitigation Measures **MM CU-1** through **MM CU-8** would ensure that any tribal cultural resources discovered during excavation would be handled appropriately. In consideration of these factors, the project's contribution to cumulative TCR impacts is less than significant, and therefore project impacts would not be cumulatively considerable.

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4.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

Section 15128 of the CEQA Guidelines requires an EIR to contain a brief statement indicating the reasons that possible significant effects of a project were determined not to be significant and therefore not discussed in detail in the EIR. The proposed Project would not have the potential to cause significant impacts to the following resources as discussed below.

4.1. Air Quality

The project would generally be considered to have a significant effect if it would:

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

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

3) Expose sensitive receptors to substantial pollutant concentrations.

4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Analysis

Impact 4.1-1: Conflict with or obstruct implementation of the applicable air quality plan.

The Project site is located within the San Diego Air Basin (SDAB), which is under the jurisdiction of the San Diego Air Pollution Control District (SDAPCD). The San Diego County Regional Air Quality Strategy (RAQS), initially adopted in 1992 outlines the SDAPCD'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. The RAQS and the SIP are the "applicable air quality plans" for the SDAPCD. Consistency with the RAQS and SIP indicates 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 City of Encinitas' adopted Sixth Cycle Housing Element Update (HEU) to the General Plan, adopted April 7, 2021,included updated employment and residential growth projections. The HEU Environmental Assessment determined that the HEU would contribute to a potentially significant 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. As part of the mitigation requirements of the HEU EA (Mitigation Measure AQ-1), the City provided a revised housing forecast to SANDAG to ensure

that any revisions to the residential and employment growth projections used by SDAPCD are accounted for in the RAQS and the SIP.

The project would be consistent with the City's General 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 4.1-2, 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 Project proposes to construct 30 single-family housing units. The City of Encinitas General Plan Land Use Map designates the site as R3 (Residential), and the existing zoning is R-3. These land use classifications and zoning designations are intended to support residential uses.

The Project is intended to increase the housing stock in Encinitas consistent with the City's zoning and SDBL as analyzed and disclosed in the 2016 PEIR and 2019 Housing Element EA and is expected to serve existing residents within the San Diego region. It would not induce growth or cause the local population to increase beyond what is planned within the region. Project-related emissions would not exceed daily thresholds established by the SDAPCD during construction or operation or otherwise cause an adverse impact to air quality and would not result in a long-term impact on the region's ability to meet state and federal air quality standards. Additionally, the Project would be consistent with the State Implementation Plan (SIP), Air Quality Management Plan (AQMP), and San Diego Regional Air Quality Strategy (RAQS) and significance threshold referenced above. Impacts related to this threshold would be less than significant.

Impact 4.1-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

The Project site is located within the San Diego Air Basin, which is listed as a federal non-attainment area for ozone (eight hour) and a state non-attainment area for ozone (one hour and eight-hour standards), PM10 and PM2.5. Projects that emit these pollutants or their precursors (i.e., VOC and NOx 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.

Construction Emissions

Project construction would generate temporary air pollutant emissions. The majority of construction-related emissions would result from site preparation and the use of heavy-duty construction equipment. Regional construction emissions associated with implementing the proposed Project were calculated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0 (2021) software. Construction emission modeling for site preparation, grading, building construction, paving, and architectural coating application is presented in Appendix M of this EIR. The SDAPCD sets forth quantitative emission thresholds below which a stationary source would not have a significant impact on ambient air quality.

The Project would be required to comply with SDAPCD Rules 52 and 54 which identify measures to reduce fugitive dust and are required to be implemented at all construction sites located within the San Diego Air Basin (SDAB). The following conditions of approval, required to reduce fugitive dust in compliance with SDAPCD Rules 52 and 54, were included in CalEEMod for site preparation and grading phases of construction:

- **Minimization of Disturbance**. Construction contractors shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.
- **Soil Treatment.** Construction contractors shall treat all graded and excavated material, exposed soil areas and active portions of the construction site, including unpaved on-site roadways to minimize fugitive dust. Treatment shall include periodic watering, application of environmentally safe soil stabilization materials, and/or roll compaction as appropriate. Watering shall be done as often as necessary, and at least twice daily. It was assumed watering would occur three times daily for modeling purposes.
- **Soil Stabilization.** Construction contractors shall monitor all graded and/or excavated inactive areas at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials shall be applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area shall be seeded and watered until landscape growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
- **No Grading During High Winds.** Construction contractors shall stop all clearing, grading, earth moving, and excavation operations during periods of high winds (i.e., 20 miles per hour or greater, as measured continuously over a one-hour period).
- **Street Sweeping.** Construction contractors shall sweep all on-site driveways and adjacent streets and roads at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.

In addition to SDAPCD Rules 52 and 54 requirements, emissions modeling also accounts for the use of low-VOC paint (100 g/L for non-flat coatings) as required by SDAPCD Rule 67.

Construction emission modeling for site preparation, grading, building construction, paving, and architectural coating application is based on the overall scope of the proposed development and construction phasing which is expected to begin mid-2022 and extend approximately one year. It was assumed for modeling purpose that the entire 6.67 net acre development area would be disturbed during construction.

As shown in **Table 4.1-1**, construction of the Project would not exceed the SDAPCD regional thresholds during its construction years of 2022 and 2023. Construction emissions would not be significant and no mitigation, in addition to compliance with SDAPCD Rules 52, 57 and 67, would be required.

TABLE 4.1-1. ESTIMATED MAXIMUM MITIGATED DAILY CONSTRUCTION EMISSIONS

Construction Phase	Maximum Emissions (lbs./day)					
	ROG	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
2022 Maximum lbs./day	3.3	38.1	21.3	0.05	11.2	6.2
2023 Maximum lbs./day	17.6	15.8	18.4	0.03	0.8	0.7
SDAPCD Regional Thresholds	137	250	550	250	150	55
Threshold Exceeded 2022	***No***	***No***	***No***	***No***	***No***	***No***
Threshold Exceeded 2023	***No***	***No***	***No***	***No***	***No***	***No***

Source: Birdseye Planning, 2022b (Appendix M, Table 5).

Operational Emissions

Table 4.1-2 summarizes emissions associated with operation of the proposed Project. The Project's operational emissions include emissions from electricity consumption (energy sources), vehicle trips (mobile sources), and area sources including landscape equipment and architectural coating emissions as the structures are repainted over the life of the Project. The majority of operational emissions are associated with vehicle trips to and from the Project site. As shown in **Table 4.1-2**, the net change in emissions would not exceed the SDAPCD thresholds. Therefore, the Project's regional air quality impacts (including impacts related to criteria pollutants, sensitive receptors and violations of air quality standards) would be less than significant.

TABLE 4.1-2. ESTIMATED DAILY OPERATIONAL EMISSIONS

Proposed Project	**Maximum Emissions (lbs./day)**					
	ROG	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
Area	1.4	0.02	2.5	0.01	0.01	0.01
Energy	0.01	0.1	0.07	0.01	0.01	0.01
Mobile	0.8	0.9	8.0	0.01	1.7	0.4

TABLE 4.1-2. ESTIMATED DAILY OPERATIONAL EMISSIONS

Proposed Project	Maximum Emissions (lbs./day)					
	ROG	NOx	CO	SOx	PM10	PM2.5
TOTAL	**2.3**	**1.1**	**10.6**	**0.01**	**1.8**	**0.5**
SDAPCD Regional Thresholds	137	250	550	250	150	55
Threshold Exceeded	***No***	***No***	***No***	***No***	***No***	***No***

Source: Birdseye Planning, 2022b (Appendix M).

Impact 4.1-3: Expose sensitive receptors to substantial pollutant concentrations.

The nearest receptors to the Project site are adjacent single-family residences located west, east and south of the site and Oak Crest Middle School located adjacent to and north of the Project site.

As shown on **Tables 4-1-1** and **4-1-2**, respectively, neither the total construction nor operation emissions would exceed the SDAPCD thresholds. In addition to quantifying emissions, SDAPCD recommends performing a local carbon monoxide (CO) "hot spot" analysis if an intersection meets one of the following criteria: 1) the intersection is at Level of Service (LOS) D or worse and where the Project increases the volume to capacity (V/C) ratio by 2 percent, or 2) the Project decreases LOS at an intersection to D or worse.

A CO hotspot is a localized concentration of CO that is above the state or national 1-hour or 8-hour CO ambient air standards. Localized CO "hotspots" can occur at intersections that experience severe traffic congestion. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the California 1-hour standard of 20.0 ppm (parts per million) or the 8-hour standard of 9 ppm. Screening for elevated CO levels is recommended for severely congested intersections experiencing levels of service (LOS) E or F with project traffic where a significant project traffic impact may occur. As discussed in **Section 3.9, Transportation**, the addition of Project traffic does not cause any key intersection to operate at level of service to LOS E or F and no significant traffic impacts were identified (LOS Engineers, 2022; Appendix J-1).

The proposed Project would not produce the volume of traffic required to generate a CO "hot spot" and would not expose sensitive receptors to substantial pollutant concentrations. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the Project. Given the short-term construction schedule, the Project would not result in a long-term (i.e., 30 or 70 year) exposure to a substantial source of toxic air contaminant emissions; and thus, would not be exposed to the related individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the Project.

Impact 4.1-4: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the Project. Odors produced during construction would be attributable to concentrations of unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and would not occur in concentrations that would impact a significant number of people. Construction emissions would not exceed SDAPCD impact thresholds; thus, short-term odors are not expected to be significant.

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. The proposed Project would not result in the creation of an odor-producing land use and long-term odor impacts; therefore, impacts would be considered less than significant.

4.2. Agricultural and Forestry Resources

The project would generally be considered to have a significant effect if it would:

1) 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 non-agricultural use.

2) Conflict with existing zoning for agricultural use, or a Williamson Act contract.

3) Conflict with existing zoning for, or cause rezoning of, forest land (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)).

4) Result in the loss of forest land or conversion of forest land to non-forest use.

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

Analysis

Impact 4.2-1 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 non-agricultural use.

The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, according to the California Farmland Mapping and Monitoring Program (FMMP) maps for San Diego County. No Prime Farmland, Unique Farmland, or Farmlands of Statewide Importance (Farmland) are mapped on the Project site (Dept. of Conservation, 2018). According to the 2018 FMMP map for the western part of San Diego County, the Project site contains lands designated as Urban and Built-Up Land (Dept. of Conservation, 2018). No Prime Farmland, Unique Farmland, or Farmlands of Statewide Importance (Farmland) are mapped on the Project site. Therefore, implementation of the Project would not impact agricultural or forestry resources.

Impact 4.2-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract.

The Project site is not subject to a Williamson Act Contract, nor is it designated or zoned for agricultural use. The Project site is planned for residential use in the General Plan and is zoned R-3 (Single-Family Residential) and would not conflict with existing zoning for agricultural use. Therefore, the Project would not conflict with zoning for agricultural use or with Williamson Act contracts and no impacts would occur.

Impact 4.2-3 Conflict with existing zoning for, or cause rezoning of, forest land (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 Project site is zoned R-3 (Single-Family Residential) and would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Therefore, the Project would not conflict with existing zoning or cause the rezoning of forest or timberland and no impacts would occur.

Impact 4.2-4 Result in the loss of forest land or conversion of forest land to non-forest use.

The Project site would not result in the loss of forest land or conversion of forest land to non-forest use as the site does not have any forest lands. Therefore, there would be no impact.

Impact 4.2-5 Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

The current and proposed use of the Project site is "residential". The Project does not include changes in the existing environment which, due to their location or nature, would result in the conversion of neighboring farmland to non-agricultural use. The Project area is surrounded by Urban and Built-Up Land as designated by the FMMP (Dept. of Conservation, 2018). Therefore, the proposed Project would not result in the conversion of farmlands off-site to non-agricultural uses.

4.3. Energy

The project would generally be considered to have a significant effect 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.

Analysis

Impact 4.3-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Project construction would utilize common methods for site preparation, grading and installation of all infrastructure. Techniques are not expected to be wasteful or otherwise result in inefficient use of fuels or other sources of energy. The proposed Project would be required to comply with California Energy Code Title 24 requirements in effect at the time buildings are being designed. A less than significant impact would occur.

Impact 4.3-2 Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The Project would construct new single-family residential units. The Project would utilize heavy equipment that meets California Air Resources Board (CARB) requirements for energy efficiency and emission reduction. The Project would be consistent with the City of Encinitas Climate Action Plan. The Project would not conflict with a state or local plan regarding renewable energy or energy efficiency. No impact would occur.

4.4. Greenhouse Gas Emissions

The project would generally be considered to have a significant effect 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.

Analysis

Impact 4.4-1 Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The vast majority of individual projects do not generate sufficient greenhouse gas (GHG) emissions to create a project-specific impact through a direct influence on climate change; therefore, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15355).

For future projects, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan [CAP]). The City of Encinitas and the SDAPCD do not have specific emissions thresholds for development projects. Therefore, the City uses the California Air Pollution Control Officers Association suggested annual significance threshold of 900 metric tons (MT) carbon dioxide equivalent (CO_2E) to assess significance for project-related GHG emissions.

This 900 MT CO_2E is a screening threshold that helps the City determine if proposed projects would potentially conflict with the City's ability to achieve the CAP's GHG emissions reduction targets. Projects that do not achieve the screening level threshold shall prepare a project-specific GHG analysis that identifies an appropriate project-level significance threshold and project-specific mitigation measures. The Project does not exceed the 900 MT CO_2E screening threshold (Appendix M; Tables 4.4-1 and 4.4-2), and therefore a project-specific GHG analysis was not prepared.

Construction Emissions

Construction of the proposed Project would generate temporary GHG emissions primarily associated with the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest emission quantities because the use of heavy equipment is greatest during this phase of construction. Emissions associated with the construction period were estimated based on the projected maximum amount of equipment that would be used onsite at one time. Air districts have recommended amortizing construction-related emissions over a 30-year period to calculate annual emissions.

Construction activity, including site preparation, is assumed to occur over a period of approximately 12 months beginning in mid-2022 and concluding mid-2023. Based on CalEEMod results, construction activity for the Project would generate an estimated 1,511 metric tons of carbon dioxide equivalent (CO2E), as shown in **Table 4.4-1**. Amortized over a 30-year period (the assumed life of the Project), construction of the proposed Project would generate 56 metric tons of CO_2E per year.

TABLE 4.4-1. ESTIMATED CONSTRUCTION-RELATED GHG EMISSIONS

Year	Annual Emissions (metric tons CO_2E)
2024	1,116
2025	551
Total	**1,667**
Amortized over 30 years	**56 metric tons per year**

Source: Birdseye Planning, 2022b (Appendix M).

Long Term Emissions

Long-term emissions relate to energy use, solid waste, water use, and transportation. Default values used in CalEEMod are based on the California Energy Commission (CEC) sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey (RASS) studies. CalEEMod provides operational emissions of carbon dioxide (CO_2), nitrous oxides (N_2O) and methane (CH_4). This methodology has been subjected to peer review by numerous public and private stakeholders, and in particular by the CEC. Therefore, it is considered reasonable and reliable for use in GHG impact analysis pursuant to CEQA.

In the long term, the proposed Project would generate additional trips, emit air pollutants, use electric and natural gas, and increase mobile-source GHG emissions. Table 4.4-2 shows the annual operational emissions inventory.

TABLE 4.4-2. ESTIMATED ANNUAL OPERATIONAL-RELATED GHG EMISSIONS

Emission Source	Annual Emissions (metric tons CO_2E)
Area	1
Energy	40
Mobile	329
Total	**370**

Source: Birdseye Planning, 2022b (Appendix M).

The combined annual emissions generated by the proposed Project would total approximately 370 metric tons per year in CO2E. This total represents less than 0.001% of California's total 2016 emissions of 429.4 million metric tons. As noted above, the City of Encinitas uses the California Air Pollution Control Officers Association suggested annual significance threshold of 900 MT CO_2E annual standard as the GHG emission threshold for land use projects. Project-related annual GHG emissions would not exceed the threshold of 900 metric tons per year. Therefore, the Project's GHG emissions would not have a significant impact on the environment.

Impact 4.4-2 Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

In the absence of specific federal, state or local thresholds, GHG emissions associated with a specific project are not considered cumulatively significant if design and operational features incorporated into a project reduces emissions by more than 41% or to less than 900 MT CO_2E annually. The 387 MT CO_2E business as usual (BAU) GHG emissions would not exceed the 900 MT CO_2E annual screening threshold. Therefore, under baseline conditions the Project could not be considered a significant contributor to cumulative GHG emissions.

The following measures from the City of Encinitas Climate Action Plan have been incorporated into the Project to reduce GHG emissions:

- **BE-2 Require New Single-Family Homes to Install Solar Water Heaters.** Require all new single-family homes to install solar water heaters or other efficiency technology, unless the installation is impracticable due to poor solar resources. Other efficiency technology would include installation of a renewable energy technology system that uses renewable energy as the primary energy source for water heating.
- **RE-2 Require New Homes to install Solar Photovoltaic Systems.** Require new single-family homes to install at least 1.5 Watt solar per square feet or minimum 2 kilowatt (kW) per home. Require new multi-family homes to install at least 1 Watt solar per square foot or minimum 1 kW per unit unless the installation is impracticable due to poor solar resources.
- **CET-4 Require Residential Electric Vehicle Charging Stations (EVCS).** Require new residential units to install EVCS equipment. For single family residence, install complete 40 Amp electrical circuit (EV Ready). For multi-family residences, install EVCS equipment at 5% of the total number of parking spaces.
- Section A4.106.8 is hereby added and amended to the 2019 California Green Building Standards Code to read: A4.106.8 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections A4.106.8.1 and A4.106.8.2, and A4.106.8.3 to facilitate the future installation and use of electric vehicle chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

- **ZW-1 Implement a Zero Waste Program.** Implement a Zero Waste Program to reduce waste disposal from residents and businesses in the community. By 2020, divert 65% of total solid waste generated (equivalent to 5.3 pounds per capita per day waste disposal). By 2030, divert 80% of total solid waste generated (equivalent to 3 pounds per capita per day waste disposal).

- **Goal 7.1 (Increase Urban Tree Cover)**. Requires the City "to encourage developers to avoid the removal any mature trees when a property is developed or redeveloped. If the removal of mature trees is unavoidable, trees are required to be replaced at a 1:1 ratio". Prior to grading permit issuance, all onsite trees to be removed shall be replaced with a tree of a maturity and species to the satisfaction of the Development Service Department. All trees to be replaced shall be depicted on the project plans prior to grading permit submittal.

2022 Building Energy Efficiency Standards for All-Electric Buildings

There is adopted and incorporated by reference herein as the City's Energy Code for the purpose of prescribing regulations in the City of Encinitas for the conservation of energy, the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this section of the City of Encinitas Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with 2022 California Energy Code and any rules and regulations promulgated pursuant thereto, including the California Energy Code, 2022 Edition, published by the California Energy Commission.

Therefore, Project emissions would be less than 900 MT CO_2E per year as demonstrated above under Impact 4.4-1. The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases, and no significant impact would occur.

4.5. Land Use and Planning

The project would generally be considered to have a significant effect 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.

Analysis

Impact 4.5-1: Physically divide an established community.

The proposed Project would develop new single-family residential units on a site located within an existing developed area. The Project site is surrounded by single-family residences to the east, south,

and west, Oak Crest Middle School to the north, and a farm and horse stable to the west. The proposed Project would be constructed on a site that currently supports residential uses and not result in the construction of improvements that would physically divide an existing community. No impact would occur.

Impact 4.5-2: 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.

The Project site is located in Old Encinitas Community as identified within the City of Encinitas General Plan. The General Plan Land Use Element recognizes the Old Encinitas Community as a commercial district generally along Highway 101 and Encinitas Boulevard, and lower residential densities east of the Highway 101 corridor. The proposed use is consistent with the R-3 zoning designation and SDBL provided a Density Bonus Tentative Map is obtained. As proposed, the Project would not conflict with the City of Encinitas General Plan Land Use Element and the design would facilitate compliance with the Municipal Code. The proposed Project would be compliant with goals, objectives and policies contained in the General Plan that pertain to the proposed use on the subject property. The Project would implement green building techniques in accordance with the California Building Code (CBC) and would a be consistent with the goals to the City's updated Climate Action Plan. The proposed 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 has been identified. No impact would occur.

4.6. Mineral Resources

The project would generally be considered to have a significant effect if it would:

1) 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.

2) 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.

Analysis

Impact 4.6-1: 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.

No known mineral resource recovery sites occur or are designated within or adjacent to the Project site. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. There would be no impact.

Impact 4.6-2: 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 by the State for locally important mineral resources and is not utilized for mineral resource production. As such, the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. There would be no impact.

4.7. Population and Housing.

The project would generally be considered to have a significant effect if it would:

1) 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 road or other infrastructure).

2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Analysis

Impact 4.7-1: Induce substantial unplanned population growth in an area, either directly or indirectly.

At the time the Notice of Preparation (NOP) was published, the Project site was developed with residential use and accessory structures presented on **Table 2-5**, along with ornamental landscaping, private roads and utilities. The Project site is completely disturbed and previous uses have included the six (6) residences noted on **Table 2-5**, three (3) of which were occupied at the time the NOP was published.

Given that the City of Encinitas had an average of 2.48 persons per household in 2021 (California Department of Finance, 2021), developing 30 single-family residences on the site would result in a gross increase of 75 persons (2.48 persons/DU x 30 DUs = 75) and a net population increase of 67 persons (2.48 persons/DU x net increase of 27 DUs= 67 persons).

As such, the Project would not directly induce substantial population growth in the area. Instead, the project would help to meet the demand for housing within City of Encinitas and San Diego region as a whole. Therefore, population and housing–related impacts associated with the proposed Project would be less than significant.

The Project site is planned for residential use in the General Plan and is zoned Residential-3 (R-3) to accommodate single-family detached residential uses. It is located within a developed neighborhood and is surrounded by existing single-family residences development, roadway

infrastructure, and Oakcrest Middle School. Water and sewer services are currently provided to the Project site by the San Dieguito Water District and the City of Cardiff Sanitation District, respectively. No extension of infrastructure to new areas is required for the project to be implemented and the proposed transportation and circulation improvements are limited to a new access the Project site and improved sidewalks along the project frontage. All improvements would occur on the Project site or within its immediate vicinity. For these reasons the proposed Project would not induce substantial indirect growth through the extension of roads and other infrastructure. Impacts would be less than significant.

Impact 4.7-2: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The Project site is currently developed with six (6) residential dwelling units (DUs), three of which were occupied at the time the NOP was published (2 SFR and 1 ADU), along with ancillary structures, including private greenhouses, sheds, garages, etc. While Project implementation would result in the removal of all structures on-site, it would not result in the displacement of a substantial number of persons or housing units.

According to the California Dept. of Finance's most current Population and Housing Estimates for Cities, Counties and the State, as of January 2021, there were a total of 26,760 households within the City of Encinitas, and 1,234,087 within San Diego County (California Department of Finance, 2021). Additionally, in 2021, the City of Encinitas had and an average of 2.48 persons per household.

The demolition of six (6) DUs is estimated to displace up to 15 persons (2.48 persons per household x 6 DUs ≈ 15 persons) and therefore would not displace a substantial number of persons, nor would it require the construction of replacement housing elsewhere. The Project would construct 30 new single-family residences, which, once complete, would result in a net increase of 27 DUs. A less than significant impact would occur.

Impact 4.7-3: Replacement of Affordable On-Site Rental Units

On September 27, 2014, Governor Brown signed Assembly Bill 2222 (AB 2222), which amended sections of the State Density Bonus Law (Gov. Code §§ 65915, 65915.5). Under AB 2222, Gov. Code §Section 65915 (c)(3) was revised to require that projects requesting a density bonus or any other concessions indicate if the property has existing affordable rental units, or affordable rental units that were vacated or demolished, within a five-year period preceding the application. Under the law, the proposed housing development must replace the affordable units.

As noted in the *Torrey Crest Affordable Housing Plan* (October 2023), the Project includes the development of 30 detached single-family residences (27 market- rate units and three [3] very-low affordable units [15% of pre-density bonus units]) and would satisfy the City's inclusionary affordable housing requirements by exceeding the standards of EMC Section 30.41.050.

Specifically, the Project would provide fifteen percent (15%) of the units (3-units) as very low-income, on-site, single-family dwelling units.

Replacement of Low Income Housing

Sections 65915 and 66300 of the Government Code require developers to replace specified categories of low-income housing with new low-income housing as part of a new development. Section 65915 requires that qualified lower income unit be replaced and that "[t]he proposed housing development, inclusive of the units replaced ... contain affordable units at the percentages set forth in Section 65915(c)(3)(A)(i)). Section 66300 incorporates Section 65915's definition and standards for replacement housing.

The replacement units included in the Project fully comply with the replacement requirements of Sections 65915 and 66300. Of the six(6) existing residential structures on the Project site, two (2) are occupied, or were occupied by "lower or very low income households". (Cal Gov. Code§ 65915(c)(3)(A); 66300(c)(vi)(III)), during the five-year period preceding the Project's application.

Pursuant to Government Code Sections 65915 and 66300, the two lower income units (one approximately 2-bedroom, 1-bath home and one, 1-bedroom, 1-bath home) must be replaced with units of equivalent size and made available for rent or sale at an affordable cost to persons or families in the same or lower income category as the last occupants of the units. The Project exceeds this requirement with the inclusion of two (2) approximately 1,610 SF, single-story, 3-bedroom, 2.5-bath SFRs (Lots 1 and 15) and one approximately 1,764 SF, two-story, 3-bedroom, 2.5-bath SFR (Lot 17). As previously noted, the three (3) affordable units will be made available for sale to very low-income households and will thereby be affordable to income categories that are equal to or lower than the income category of the last occupants.

Relocation Benefits and First Refusal Rights (Government Code Section 66300(d)(2))

In addition to the replacement obligations, Government Code, Section 66300(d)(2) requires:

- Relocation benefits be provided to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.
- A right-of-first refusal for a comparable unit available in the new housing development be provided at affordable to the household at an affordable rent or an affordable housing cost.

Implementation

The three (3) very low-income units would be constructed within the project on Lots 1, 15, and 17 and comply with EMC Section 30.41.060. To ensure the continued affordability of the three (3) very low- income units, the applicant will enter into an Affordable Housing Agreement with the City, in a form approved by the City Attorney, to be executed by the City Manager. The

Affordable Housing Agreement shall ensure that all the requirements of Chapter 30.41 are satisfied.

The Affordable Housing Agreement shall be recorded prior to approval of any final parcel map or final map, or issuance of the first building permit for the Project. Further, the Affordable Housing Agreement would include the following requirements per Section 30.41.100:

- All affordable units shall remain affordable to the targeted income group in perpetuity for units on Lots 1 and 17 and for the time period required by state law for unit on Lot 15
- Any eligible household that occupies an affordable unit must occupy that unit as its principal residence, unless otherwise approved in writing for rental to a third-party eligible household for a limited period of time due to household hardship, as may be specified in any adopted affordable housing guidelines.
- No household may begin occupancy of an affordable unit until the household has been determined to be eligible to occupy that unit by the Development Services Director or designee. Any adopted affordable housing guidelines may establish standards for determining household income, affordable housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

If a market rate unit is offered for rent to a tenant that falls into the low-income category, the following requirements shall apply:

- The terms and conditions of the right of first refusal granted and any lease resulting therefrom shall be subject to review and approval by the Development Services Director.
- Commencement of the tenancy offered shall not be delayed or conditioned on sale of the market rate unit to a third party.
- Purchase of the market rate unit by a third party shall be subject to and not alter the terms and conditions of the right of first refusal or a lease resulting therefrom.

4.8. Recreation

The project would generally be considered to have a significant effect 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 have an adverse physical effect on the environment?

Analysis

Impact 4.8-1: 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.

The Project consists of the development of single-family residences. It could contribute to an increase in the City of Encinitas' population which may affect demand for recreational resources. The Project would be required to pay impact fees to cover improvements to recreational resources. With the payment of impact fees, a less than significant impact would occur.

Impact 4.8-2: Include recreational facilities or require the construction or expansion of recreational facilities, which have an adverse physical effect on the environment.

The Project does not include recreational facilities or require the construction or expansion of recreational facilities as the City of Encinitas has numerous recreational facilities. There would be no adverse physical effect on the environment, therefore no impact would occur.

4.9. Utilities and Service Systems

The project would generally be considered to have a significant effect if it would:

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water 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 adequate 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.

Analysis

Impact 4.9-1: Require or result in the relocation or construction of new or expanded facilities, the construction or relocation of which could cause significant environmental effects.

Water

The analysis in this section is based on the Technical Memorandum *As-Needed Development Services Hydraulic Modeling (TO 8) – Torrey Crest (1220-1240 Melba Road, 1190 Island View Lane)* Analysis prepared by Dudek for the San Dieguito Water District (Dudek, 2022, Appendix K-2)

The Project site is located within the San Dieguito Water District (SDWD), which currently provides public water services to the site. The SDWD's service area covers 5,647 acres within the City of Encinitas. According to the San Diego Water District's *2020 Urban Water Management Plan*, water demand within the service area was 5,277 acre-feet in 2020 (SDWD, 2021). Demand is expected to increase to 5,796-acre feet by 2025 and to 6,611-acre feet by the year 2045 (SDWD, 2021). According to the Urban Water Management Plan, the San Dieguito Water District is over 90 percent built-out. Future projected growth is expected to be minimal and, the District has sufficient water to meet its customers' needs through 2045 (SDWD, 2021).

Proposed water utility improvements would include installation of a new 8-inch PVC watermain within the new private road and connection to SDWD's existing 6-inch asbestos-cement pipe (ACP) water main within Melba Road. Additionally, as presented on **Figure 2-13, Proposed Utility Plan,** an approximately 350 linear foot segment of the existing off-site 6-inch waterline within Melba Road, between Oceanic Drive and Wotan Drive, would be replaced (i.e., "upsized") with a new 8-inch waterline. Based on Dudek's Technical Memorandum, dated September 21, 2022 (included as App. K-2), this improvement would ensure sufficient fire flow to the Project site under maximum day demand conditions in compliance with the San Dieguito Water District's District design criteria. As such, the proposed Project would not require or result in the need for new or expanded water treatment facilities. Impacts due to construction of the on-site water system and connections to the existing system are analyzed throughout this EIR.

Sewer and Wastewater

Sewer and wastewater treatment services would be provided by the Cardiff Sanitation District (CSD). Wastewater would be conveyed off-site from new PVC sewer mains from the private road to existing sewer lines located along Melba Road to the Encina Water Pollution Control Facility (EWPCF). Two new 60-inch sewer manholes would be constructed along the new private roadway. The Project is consistent with the adopted General Plan designation and Zone Classifications; thus, wastewater volumes could be accommodated within flows projected for planning purposes. Impacts would be less than significant.

Additionally, the service availability letter from the CSD states that facilities to serve the Project are available based on capital facility plans of the district (Appendix K-1B). Further, as part of the project approval process, the project applicant would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that the wastewater treatment requirements of the RWQCB would not be exceeded. Therefore, the wastewater generated by the project would not cause the CSD to exceed wastewater treatment requirements of the San Diego RWQCB. As such, the 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

Under the proposed condition, Upon completion of construction, runoff from the Project site would be captured and routed to two (2) separate drainage basins referred to herein as Basins PR-1, PR-4, or Biofiltration Basin A and Biofiltration Basin B, respectively (see **Figures 3.6-3a and 3.6-3b, *Proposed Hydrology***).

Both biofiltration basins would provide pollutant control as well as hydromodification management and mitigation of the 100-year, 6-hour storm event peak flow rate. The basins will serve to capture, treat, and detain storm water and are composed of a cross-section of an engineered soil, storage layer, and hydraulic mulch on the surface. Runoff from higher frequency, lower intensity storm events will first be filtered through the Basin section and enter a detention system located beneath the Basin. The proposed biofiltration/detention basin would be designed to accommodate the increase in peak runoff generated by the Project and would mitigate peak flows to below pre-developed conditions. Therefore, stormwater would be adequately accommodated and treated as proposed with the Project as designed. The Project would not result in the expansion or need for new stormwater facilities, the construction or relocation of which could cause significant environmental effects and impacts would be less than significant. Refer to Section 3.6, Hydrology and Water Quality, for additional details on the proposed stormwater system.

Other public utilities (i.e., electrical, natural gas, telephone/cable) would continue to be provided to the site and not require the expansion of existing facilities to provide these services. A less than significant impact would occur.

Impact 4.9-2: Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The Project site is located within the San Dieguito Water District (SDWD) service area for potable water services. The District now covers an area of 5,647 acres and serves a population of approximately 37,200. The District is approximately 92 percent built-out; therefore projected growth is expected to be low. Water use from fiscal years 2010 through 2015 averaged 6,109 acre feet per

year (AFY) of potable water and 616 AFY of recycled water for a total annual demand of 6,725 AFY (potable and recycled water). Water demand projections through 2045 is 7,311 AFY. Per the Urban Water Management Plan, future supply is expected to match service area demand (SDWD, 2020).

The proposed Project would be required to comply with federal, State and local plans, policies and regulations and Executive Order B-40-17, which prohibits wasteful water use. The Project would minimize water demand by installing low flow fixtures and implementing other water reduction features that further reduces demand by 20% over projected volumes. Further, landscaping would be required to comply with the City of Encinitas Water Efficient Landscape Regulations (Chapter 23.26 EMC). The purpose of this ordinance is to reduce potable water demand through the implementation of regulatory controls affecting landscape design in the City of Encinitas. Additionally, Chapter 3.1.2 of the City of Encinitas Climate Action Plan contains measures that can be implemented to reduce water consumption and related energy costs associated with water reclamation and transport (City of Encinitas, 2020b). The performance metric for CAP Measure WE-1 sets a goal of 5 gallons saved per capita per day. The Project would install low flow water fixtures (e.g., toilets, faucets) in all residences, thereby achieving water conservation over the long-term. It is anticipated that such measures would achieve a reduction of 5 gallons of water per person per day, consistent with the performance metric set forth in the CAP.

The SDWD's daily per capita water use (GPCD) in 2020 was 129 gallons per person per day. Therefore, with a gross project-related population increase of 75 persons, the estimated daily water demand for the Project is anticipated to be 9,675 gallons per day. The Project's anticipated water demand falls within the SDWD's future supply projections.

The Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Additionally, the service availability letter from the SDWD states that facilities are available to serve the Project (Appendix K-1C). Project design features would minimize potable water demand. No new water entitlements would be necessary to serve the Project. A less than significant impact would occur.

Impact 4.9-3: Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

The project site is located in the service area of the Cardiff Sanitation District (CSD). The CSD has completed a Project Facility Availability Form which states that the district has adequate capacity to serve the project for the next 5 years under existing and anticipated conditions based on capital facility plans of the district (CSD, 2021; Appendix K-1B). 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 projected demand in addition to the providers' existing commitments. Impacts would be less than significant.

Impact 4.9-4: 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.

The proposed Project would be served by the EDCO Waste and Recycling Services, which operates through an exclusive franchise agreement with the City of Encinitas. 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. According to CalRecycle, the Otay Landfill is permitted to accept 6,700 tons of solid waste per day; has a remaining capacity of 21.2 million cubic yards (CY); and, is expected to remain in operation until February 2030 (CalRecycle, 2021a). The Sycamore Landfill is permitted to accept 5,000 tons of solid waste per day; has a remaining capacity of 113.9 million CY; and is expected to remain in operation until December 2042 (CalRecycle, 2021b).

Construction Phase

The City has 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.

The Project would collect and sort construction 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 Project.

Operational/Occupancy Phase

The proposed Project would 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 three pounds (lbs.)/person/day by 2030 (City of Encinitas 2020).

According to CalRecycle in 2022, a single-family residence can generate between 7.8 and 11.4 lbs/dwelling unit/day (CalRecycle, 2021c). It can be expected that during operation, the proposed Project would generate approximately 368,024 pounds, or 193 tons, of solid waste per year (7.8

lbs/dwelling/day x 30 dwelling units = 241.8 lbs/day or 44.1 tons/year to 11.4 lbs/dwelling/day x 31 dwelling units = 353.4 lbs/day or 64.5 tons/year).

During construction, three pounds of solid waste (construction and demolition debris) are generated for every square foot of development (City of San Diego, 2013). Based on this rate, and the total square footage of development included in the proposed Project, it is estimated that 302,427 lbs. or 151 tons of construction and demolition wastes would be generated. Solid waste from construction activities would also be delivered to the two landfills identified above. Both of which have capacity to accommodate solid waste from the proposed Project.

As a result, the proposed Project would not generate solid waste that exceeds the planned capacity of receiving landfills, and impacts would be less than significant.

Impact 4.9-5: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Construction waste would be comprised of concrete, metals, wood, landscape and typical domestic material. The California Integrated Waste Management Act of 1989 (CIWMA) mandates that all cities and counties in California reduce solid waste disposed at landfills generated within their jurisdictions by 50% and has a long-term compliance goal of 70%. AB 341 (2015) increased the recycling goal to 75%.

On July 9, 2008, the City of Encinitas adopted a Construction & Demolition Debris (C&D) Ordinance (Encinitas Municipal Code Section Chapter 11.22) to help divert waste from landfills and comply with statewide mandates (City of Encinitas, 2018c). C&D materials include, but are not limited to, asphalt, concrete, brick, dirt, rock, lumber, cardboard, metals and any vegetative or other land clearing/landscaping materials. All construction, renovation, and remodel projects within the City with a total project square footage equal to or greater than 10,000 square feet are required to reuse, salvage or recycle 60% of all C&D Debris generated. Prior to issuance of a demolition or building permit, the applicant shall submit a Waste Management Plan to the City documenting the weight of C&D debris to be generated, diverted via reuse or recycling, or landfilled.

Because compliance with AB 341 and with Chapter 11.22 of the Encinitas Municipal Code would be a condition of approval of the building permits, the proposed Project would comply with all federal, state and local regulations related to solid waste management and reduction statues. No impact would occur.

4.10. Wildfires

The Project would generally be considered to have a significant effect if it is located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan.

2) Exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

3) 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.

4) 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.

Analysis

Impact 4.10-1: Substantially impair an adopted emergency response plan or emergency evacuation plan.

According to the California Department of Forest and Fire Protection's (CAL FIRE) 2022 Fire Hazard Severity Zone Map (FHSZM), the Project site is not located within or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection, 2023). As shown in the *2023 Multi-Jurisdictional Hazard Mitigation Base Plan, City of Encinitas Annex*, the City has adopted Calfire's FHSZM Map (City of Encinitas, 2023a). Fire Hazard Severity Zones are areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors that have been mapped by CAL FIRE under the direction of Public Resources Code (PRC) 4201-4204 and Government Code 51175-89. FHSZs are ranked from moderate to very high and are categorized for fire protection as within a federal responsibility area (FRA) under the jurisdiction of a federal agency, within a State responsibility area (SRA) under the jurisdiction of CAL FIRE, or within a local responsibility area (LRA) under the jurisdiction of a local agency.

An update to the City of Encinitas' Safety Element of the General Plan (formerly entitled "Public Safety Element) was adopted by City Council on June 14, 2023 (Resolution No. 2023-50). The Safety Element includes an Evacuation Analysis that identifies the routes that would be used for evacuation purposes, which are depicted on Figure S-1 of the Safety Element. The Project site is currently accessed from Melba Road. Melba Road would continue to serve as the primary access point for the proposed development; however it is not identified in the Safety Element as an evacuation route.

While Melba Road would serve as the primary access route for residents living in the general area. During construction, materials would be "staged" within the Project site to avoid any access conflicts in case of emergency evacuations. Project construction would not result in closures along local

roadways that may have an effect on emergency response or evacuation plans in the vicinity of the site. It is anticipated that all local roadways would remain open during project construction and operation. Additionally, once constructed, the Project would add 21 trips and 26 trips to area roadways during the AM and PM peak hours, respectively and emergency vehicle access to the site would be provided along the new private road. The Project would not adversely impact traffic operations on Melba Road or surrounding road segments during construction or operations nor it adversely affect the use of Melba Road as an evacuation route. For these reasons, the project would substantially impair an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

Impact 4.10-2: Exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

The Project site is surrounded by urban development: single-family residences to the east, south, and west, Oak Crest Middle School to the north, and a farm and horse stable to the west. Prevailing wind is from the west. A total of 98.6 percent of the Project site contains slopes of less than 25% (**See Figure 2.14, Slope Analysis**). The surrounding areas are relatively flat as well. The Project site is not expected to be exposed to high risk resulting from surrounding slopes or prevailing winds. Impacts would be less than significant.

Impact 4.10-3: 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.

The City of Encinitas' fuel modification regulations require a 100-foot clear area around each structure. These areas have been included in the Project design and are intended to minimize fire risk for Project structures.

Impact 4.10-4: 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.

The areas around the Project site and the Project site itself does not contain steep slopes. Thus, if burned, it is unlikely that landslides or mudflows would occur to the extent that property damage downslope would result. Impacts would be less than significant.

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5.0 OTHER CEQA CONSIDERATIONS

This chapter discusses additional topics statutorily required by CEQA. The topics considered include growth-inducing impacts, irreversible environmental changes, and significant effects which cannot be avoided.

5.1 Growth Inducing Impacts

Pursuant to Sections 15126(d) and 15126.2(d) of the CEQA Guidelines, this section is provided to examine ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also required is an assessment of other projects that would foster other activities which could affect the environment, individually or cumulatively. To address this issue, potential growth-inducing effects would be examined through analysis of the following questions:

- Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?
- Would this project result in the need to expand one or more public services to maintain desired levels of service?
- Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
- Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

Please note that growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information on ways in which this project could contribute to significant changes in the environment, beyond the direct consequences of developing the land use concept examined in the preceding sections of this EIR.

Impact 5.1-1: Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?

No. The proposed Project is on an existing developed parcel surrounded by urban development on all sides. Although the Project includes certain improvements to existing utilities within the site such as water, sewer, and electricity, and storm drainage, these improvements would only serve the Project and would not extend into previously unserved areas. No new infrastructure would be provided that would exceed the needs of the Project and/or that could accommodate future growth not already planned for the project area.

Impact 5.1-2: Would this project result in the need to expand one or more public services to maintain desired levels of service?

No. Impacts to public services are discussed in Section 3.8 of this EIR. The Project site is within existing public service boundaries of public service providers, and no new buildings or other physical improvements will be needed to maintain the desired levels of service.

Impact 5.1-3: Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

No. The proposed Project would provide 30 single-family housing units on a parcel surrounded by existing urban development on all sides. Additional development near the Project site that is consistent with the existing zoning and general plan was analyzed in the GP EIR. Any other development would require an amendment to the City's General Plan or zoning and require additional environmental review under CEQA. Any project-related increase in construction employment would be temporary, with workers being hired from the existing labor force in the region.

Impact 5.3-4: Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

No. As discussed in Chapter 2 of this EIR, the proposed Project requires a Density Bonus Tentative Map, Design Review and a Coastal Development Permit. Any similar project would also require discretionary reviews and approvals, which eliminates the potential for precedent setting actions associated with a market-rate and affordable housing development. The proposed Project does not remove any obstacle to growth or change any regulatory provision beyond what is discussed in this EIR.

5.2 Irreversible Environmental Changes

As required by Section 15126.2(c) of the CEQA Guidelines, the significant irreversible environmental changes of a project must be identified. Irreversible commitments of non-renewable resources are evaluated to assure that their use is justified. Irreversible environmental changes typically fall into three categories: primary impacts, such as the use of nonrenewable resources; secondary impacts, such as highway improvements which provide access to previously inaccessible areas; and environmental accidents associated with a project.

Development that would occur as a result of the Project that would entail the commitment of energy and natural resources. The primary energy source would be fossil fuels, representing an irreversible commitment of this resource. Construction of the Project would also require the use of various raw

materials, including cement, concrete, lumber, steel, etc. These resources would also be irreversibly committed.

Upon completion of construction, the Project would require a further commitment of energy resources in the form of fossil fuels and electricity. This commitment would be a long-term obligation since the proposed structures are likely to have a useful life of 20 to 30 years or more.

However, the Project's energy consumption would be commensurate with its types of uses and would not be excessive. The impact of increased energy usage is not considered a significant adverse environmental

5.3 Significant Environmental Effects Which Cannot be Avoided

Section 15126.2(b) of the CEQA Guidelines requires an EIR to identify significant environmental effects that cannot be avoided if the Project is implemented (14 CCR 15000 et seq.). As discussed in Chapter 3 Environmental Analysis, implementation of the Project would not result in significant and unmitigable impacts to any environmental resource.

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6.0 ALTERNATIVES

6.1. Introduction

The California Environmental Quality Act (CEQA) requires that an EIR include a discussion of reasonable project alternatives that would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126.6). This chapter identifies potential alternatives to the proposed Project and evaluates them, as required by CEQA.

Regulatory Requirements for Identifying and Analyzing Project Alternatives

Key provisions of the CEQA Guidelines on alternatives are summarized below to explain the foundation and legal requirements for the alternatives analysis in the EIR (Sections 15126.6(a) through (f)).

- "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." (Section 15126.6(b))
- "The specific alternative of 'No Project' shall also be evaluated along with its impact." (Section15126.6(e)(1))
- "The No Project analysis shall discuss the existing conditions at the time the NOP is published, and at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." (Section 15126.6(e)(2))
- "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project." (Section15126.6(f))
- "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." (Section 15126.6(f)(1))
- "For alternative locations, "only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." (Section 15126.6(f)(2)(A))

- "An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative." (Section 15126.6(f)(3))

6.2. Alternatives Analysis Format and Methodology

CEQA Guidelines Section 15126.6(d) provides that the degree of analysis required for each alternative need not be exhaustive, but rather should be at a level of detail that is reasonably feasible and shall include "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." Under CEQA Guidelines Section 15151, the EIR must contain "a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Hence, the analysis of environmental effects of the Project alternatives need not be as thorough or detailed as the analysis of the Project itself.

The level of analysis in the following sections is sufficient to determine whether the overall environmental impacts would be less, similar, or greater than the corresponding impacts of the proposed Project. In addition, each alternative is evaluated to determine whether the Project objectives, identified in Section 6.2, would be substantially attained by the alternative.

The evaluation of each alternative also considers the anticipated net environmental impacts after implementation of feasible Mitigation Measures. The net impacts of the alternatives for each environmental issue area are classified as either having no impact, a less-than-significant impact, or a significant and unavoidable impact. These impacts are then compared to the corresponding impact for the Project in each environmental issue area. To facilitate the comparison, the analysis identifies whether the net incremental impact would clearly be less, similar, or greater than that identified for the Project. Finally, the evaluation provides a comparative analysis of the alternative and its ability to attain the basic Project objectives.

6.3. Project Objectives

The objectives of the project are identified below.

- Provide residential single family dwelling units consistent with the density of the Encinitas General Plan, zoning in the Municipal Code, and California State Density Bonus Law to help meet the current demand for affordable and market rate for-sale single family homes.
- Provide affordable housing within a housing development project, thereby helping to meet the City's state-mandated affordable housing requirements and further encouraging diversity within the community.
- Ensure an economically viable project by locating development in areas that have existing capacity to accommodate the required infrastructure and public services to serve a housing development project.

- Locate housing in areas to maintain or enhance community access and mobility networks, including proximity to transit, Interstate 5, local business, shopping, schools, and health care.
- Locate a housing development project the maximum number of residential single family dwelling units with practical pedestrian access to high school, middle school, elementary school, pre-school, and the Encinitas Community and Senior Center.
- Create an economically viable project that can be realistically implemented within current and projected economic conditions.

6.4. Potentially Significant Impacts of the Project

A primary consideration in defining project alternatives is their potential to reduce or eliminate significant impacts and to meet most of the objectives of the proposed project. Pursuant to CEQA Guidelines Section 15126.6[b], alternatives to the proposed project include those that are capable of avoiding or substantially lessen 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.

Based on the analysis contained in Chapter 3, Environmental Analysis, the proposed Project would result in potentially significant environmental effects to the following environmental resource topics:

- Aesthetics/Community Character;
- Biological Resources;
- Cultural Resources;
- Geology and Soils (Paleontological Resources); and
- Hazardous and Hazardous Materials:
- Noise; and,
- Tribal Cultural Resources

With implementation of required mitigation measures, impacts to these resources would be avoided or reduced to less than significant levels. Impacts to aesthetics, agriculture and forestry resources, air quality, energy conservation and climate change, hydrology and water quality, land use and planning, mineral resources, population and housing, public services and recreation, and transportation, utilities /service systems and wildfires were found to be less than significant. No mitigation measures are therefore required.

6.5. Potential Project Alternatives Considered but Rejected

The City and applicant considered several alternatives during its planning process. The following is a discussion of the land use alternatives considered and the reasons why they were not selected for detailed analysis in this EIR.

Per CEQA Guidelines Section 15126.6(c), among the factors that a Lead Agency may use to eliminate alternatives from detailed consideration in an EIR are:

(i) failure to meet most of the basic project objectives,

(ii) infeasibility, and

(iii) inability to avoid significant environmental effects.

6.5.1. Alternative 1, Alternative Project Site

Developing the Project at an alternative site was recommended during the public scoping process. Under Alternative 1, the proposed residential development would be constructed at another site within the City of Encinitas. With this alternative, the site layout would be altered to fit within the dimensions and setback requirements at a different site, however the number and size of dwelling units would remain unchanged.

Conclusion

Alternative 1, Alternative Project Site, was determined to be infeasible for the following reasons:

- Public scoping comments did not identify a specific alternative site for development of the Project.
- The City of Encinitas is generally built out, and there are no other vacant sites of ± 6.46 acres that would allow for the construction of a single-family housing development while meeting most of the basic objectives of the project.
- The Project site is owned by the Applicant and there is no guarantee that the applicant can reasonably acquire, control, or otherwise have access to an alternative site.

6.5.2. Alternative 2, Alternative Land Uses

Under Alternative 2, the Project site would be converted to open space and utilized as a wildlife corridor. These alternative uses for the Project site were identified during the public scoping period. A change in zoning and an amendment to the General Plan Land Use and a vote of the public would be required to convert the Project site to open space for use as a wildlife corridor.

Conclusion

Alternative 2, Alternative Land Uses, was determined to be infeasible for the following reasons:

- Alternative 2 fails to meet the Project objective of providing the maximum number of single-family residential dwelling units consistent with the goals and policies of the Encinitas General Plan, zoning in the Municipal Code, and California State Density Bonus Law to help meet the current demand for for-sale single family homes.
- The Project site is not connected to other habitat linkages in the City and is surrounded by existing development, including fencing.
- The Project site is not identified within the City of Encinitas Draft Subarea Plan being within Biological Core and Linkage Areas (BCLA) for the Multiple Habitat Conservation Program planning area and thus is not within an important habitat linkage area in the City. As noted within the Draft Subarea Plan, the BCLA serves as the "best case" conservation alternative because it identifies all large contiguous areas of habitat and all important functional linkages and movement corridors between them. Due to the high degree of urbanization within Encinitas, large blocks of natural habitats remaining in the city occur primarily along its perimeter.
- No funding sources for the acquisition and maintenance of open space were identified, nor parties interested in taking on the acquisition and maintenance of the area.
- Implementation of this alternative would require the demolition of the existing residential uses on the site and result in the displacement and relocation of existing residents.
- Development and maintenance activities required for Alternative 2 would not avoid the significant impacts to cultural/tribal cultural resources, and paleontological resources and hazards/hazardous materials.

6.5.3. Alternative 3, Additional Affordable Housing Units /Retain Existing Zoning + ADU Alternative (20 SF + 10 ADUs)

Under Alternative 3, the Project site would continue to be developed with 30 residences; however the unit mix would be modified to include 20 SFR and 10 affordable ADUs. This alternative housing mix was identified during the public scoping period.

Conclusion

Alternative 3, Additional Affordable Housing Units /Retain Existing Zoning + ADU Alternative (20 SF + 10 ADUs), was determined to be infeasible for the following reasons:

- Alternative 3 fails to meet the Project objective of providing the maximum number of single family residential dwelling units consistent with the goals and policies of the Encinitas General Plan, zoning in the Municipal Code, and California State Density Bonus Law to help meet the current demand for for-sale single family homes.
- Implementation of Alternative 3 would not avoid the significant impacts to biological resources, cultural/tribal cultural resources, and paleontological resources. Nor would it avoid or reduce hazard and hazardous material resource impacts associated with pesticide contaminated soils at the site.

6.5.4. Alternative 4, Increased Density Alternative

The Increased Density Alternative would take advantage of the recent passage of Assembly Bill 1287 (AB 1287), effective January 1, 2024, which entitles a housing development project to up to a 100% density bonus. Under this Increase Density Alternative, the Project would be entitled to increase the density to 40 units where three (3) units would be affordable to very low income households and three (3) units would be affordable to moderate income level households.

The Project site is located within the Residential 3 General Plan Land Use Designation and within the Residential-3 (R-3) Zone, which allow a density of three (3) dwelling units per net acre. Under existing zoning, the 6.646-acre site can be developed with 20 dwelling units (6.646-acres x 3 dwelling units per acre ≈ 20 dwelling units – rounded up from 19.94 based on Government Code Section 65915(f)(5)1). A 20-unit housing development represents the "base project". Under this Increased Density Alternative, the Project would set aside three (3) dwelling units for very-low income households, which represent 15% of the "base project" to provide a 50% density bonus in accordance with AB 1287 (Government Code § 65915(f)(2)) which amounts to 10 additional units (20 dwelling unit base project + 50% Density Bonus for the very low income units). The Project would also set aside three (3) units for moderate income households, which represents 15% of the base project. Therefore, in accordance the AB 1287 (Govt. Code § 65915(v)), the Increased Density Alternative would meet the criterial and be entitled to an addition density bonus of 50% for another additional 10 units (20 dwelling unit base project + 50% Density Bonus for the moderate income units of 10 dwelling units). The density bonus stack on each other to allow for a total of 40 units.

With the exception of the increased number of housing units, all other features of the proposed Project would generally be the same under Alternative 4. Overall, the Increased Density Alternative would meet the Project Objectives to a greater degree by providing more housing. Alternative 4 would have a similar footprint to the Project; however the lots will be much smaller, some driveways would be longer and the retention basin would be slightly bigger.

Conclusion

Alternative 4, Increased Density, was determined to be infeasible for the following reasons:

- Alternative 4 fails to meet the Project objective of creating an economically viable project that can be realistically implemented within current and projected economic conditions. AB 1287, was signed on October 2023 and did not become effective until January 1, 2024. Implementation of Alternative 4 would require a complete site redesign including redesign of stormwater and bioretention basins, utility plans, internal circulation plans, lot locations and sizes. This would require additional time and cost and therefore would result in the delay of providing housing units and not meet the Project objective of providing housing to meet the current demand for affordable and market rate housing.

- Because Alternative 4 would have a similar footprint to the proposed Project, it would not avoid the significant impacts to biological resources, cultural/tribal cultural resources, and paleontological resources. Nor would it avoid or reduce hazard and hazardous material resource impacts associated with pesticide contaminated soils at the site or impacts associated with demolition of on-site structures that could contain asbestos containing materials and lead-based paint.

6.6. Alternatives Selected For Further Analysis

The following alternatives have been determined to represent the range of reasonable alternatives to the Project that have the potential to feasibly attain most of the basic Project objectives, but which may avoid or substantially lessen any of the significant effects of the Project.

- Alternative A - No Project/No Build Alternative
- Alternative B - Melba Road Pedestrian Improvement – Option B
- Alternative C – Reduced Density Alternative

An EIR must identify an "environmentally superior" alternative, and where the No Project Alternative is identified as environmentally superior, the EIR is required to identify as environmentally superior an alternative from among the others evaluated. Each alternative's environmental impacts are compared to the significant impacts of the proposed Project and determined to be environmentally superior, similar, or inferior. Section 6.6 identifies the Environmentally Superior Alternative.

6.6.1. Alternative A - No Project/ No Build Alternative

Alternative A is the No Project, No Build Alternative. Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published (May 6, 2022), as well as: "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6 (e) (2)]. The requirements also

specify that: "If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed" [CEQA Guidelines Section 15126.6 (e) (3) (B)].

The "No Project" Alternative assumes that no changes to the Project site or existing uses would occur. As such, existing development would remain.

Overall, Alternative A, No Project/No Build Alternative, would not involve any change in the existing conditions and thus would not create any new significant environmental impacts at the Project site. As provided above, this would result in a complete avoidance of impacts compared to the proposed Project. However, this alternative would not provide any of the benefits of the proposed Project and would not meet any of the Project objectives set forth in Section 6.3 above.

Impacts Compared to Project Impacts

The following compares environmental impacts associated with the No Project Alternative as compared to the impacts of the proposed Project.

Aesthetics/Community Character

In contrast to the proposed Project, the Project site under the No Project Alternative existing residential uses, accessory structures, ornamental landscaping, private roads and utilities would remain. Under the No Project Alternative, the proposed Project components would not be developed, views of the Project site would not be altered, no landscaping or on-site trees would be removed and no potential sources of light and glare would be developed. Because the Project site would remain unchanged under the No Project Alternative, this alternative would avoid all of the aesthetic and community character impacts identified for the proposed Project.

Biological Resources

According to biological survey performed for the Project, the Project site consists of two habitat types: urban/disturbed and developed. No native or natural habitat exists on the Project site and no sensitive or plant species were observed during the survey. Due to the lack of habitat, the potential for sensitive animal or plant species to occur on the Project site ranges from "none to low." However, the Project site does contains numerous scattered mature ornamental landscaping that can serve as nesting habitat for year round and seasonal avian residents that have the potential to occur in the area.

Under the No Project Alternative, no new construction would occur and no on-site ornamental landscaping would be removed. Therefore, implementation of the No Project Alternative would avoid impacts to potential nesting habitat for migratory birds and raptors and eliminate the need to protect mature trees during construction.

Cultural and Tribal Cultural Resources

An intensive pedestrian survey found no evidence of archaeological or tribal cultural resources at the Project site. Additionally, a records search of the California Historic Resources Inventory System (CHRIS) and a Sacred Lands File (SLF) search requested from the Native American Heritage Commission indicate that no archaeological or tribal cultural resources have been previously recorded within the Project area. Mitigation measures are included in the proposed Project to reduce the potential for encountering undiscovered cultural and/or tribal cultural resources to below a level of significance. Under the No Project Alternative, the Project site would remain as is, and no ground-disturbing activities would occur. Therefore, unlike the proposed Project, the No Project Alternative would not have the ability to accidentally uncover potentially significant cultural, archaeological, which may be located beneath the surface Project site. There would be no impact to cultural resources, and no mitigation measures would be necessary.

Geology and Soils and Paleontological Resources

Implementation of the No Project Alternative would result in a continuation of the residential development at the Project site. No change in geology or soils conditions would occur with the No Project Alternative. Therefore, the non-significant geology and soils impacts associated with liquefaction, subsidence and expansive soils would be avoided. The No Project Alternative would also avoid all significant but mitigatable paleontological resources impacts associated with the potential to damage or destroy previously unknown paleontological resources paleontological resources that may be present below the ground surface.

Hazards and Hazardous Materials

Under the No Project Alternative, the proposed Project would not be implemented and the Project site would remain developed with residential uses. Therefore, no hazards or use of hazardous materials is expected. It should be noted however, that the No Project Alternative would not remove the estimated 200 cubic yards of pesticide-impacted soil that exceeds 10,000 µg/kg for chlordane present within the upper 1-foot of the former flower beds adjacent to the main house and garage at 1190 Island View Lane. Additionally, the No Project Alternative would not encapsulate the estimated 800 cubic yards of non-hazardous (see discussion below), pesticide-impacted soil identified around the structures at 1190 Island View Lane.

Hydrology and Water Quality

The No Project Alternative would not result in construction at the Project site. The No Project Alternative would not result in alteration of the Project site's drainage patterns from current conditions and cross-lot sheet flow would continue to enter a substandard drainage conveyance system northeast of the Project site. Additionally off-site run-on from adjacent properties to the east, namely 1250 and 1274 Melba Road, would continue to be received.

A SWPPP would not be required. Accordingly, there would be reduced erosion-related impacts from the No Project Alternative when compared to the proposed Project.

Noise

Under the No Project Alternative, short-term construction activities would not occur and the associated noise levels would not be generated. Therefore the No Project Alternative would avoid the short-term construction noise impacts discussed in Chapter 3.7.

Public Services

The No Project Alternative would not increase result in the need for new, expanded or altered fire protection services, police protection services, schools, parks, or other public facilities.

Transportation

In contrast to the proposed Project, there would be no development associated with the No Project Alternative. Therefore, the No Project Alternative would not have the potential to increase traffic volumes on nearby roadways as a result of either construction or operation activities. Non-significant trip generation impacts associated with implementation of the proposed Project would be greater than impacts associated with the existing undeveloped site. Therefore, the No Project Alternative would result in fewer impacts as compared to the proposed Project.

Conclusion

Avoid or Substantially Lessen Project Impacts

The No Project Alternative would avoid the significant and potentially significant impacts of the proposed Project related to aesthetics/community character, biological resources, cultural and tribal cultural resources, geology and soils/paleontological resources; hazards/hazardous materials, hydrology and water quality, noise and transportation each of which have been mitigated to below the level of significance. However, the No Project Alternative could also result in the continuation of site run-off, site run-on and the pesticide contaminated soils near 1190 Island View Lane would not be remediated.

Attainment of Project Objectives

Under the No Project Alternative, the objectives of the Torrey Crest Residential Subdivision would remain unfulfilled. New single-family dwelling units, including affordable housing units, would not be constructed to meet the current demand for affordable and market rate homes. Likewise the City's state-mandated affordable housing requirements would not be met at the Project site.

Comparative Merits

None of the impacts identified for construction of the proposed Project would occur. However, all of the objectives of the proposed Project set forth in Section 6.3 above would remain unfulfilled under the No Project Alternative. This means that the Project's objectives of increasing affordable and market rate housing units to meet current demand would not be met.

Significant Impacts of Alternative

The No Project Alternative would not result in significant impacts to any environmental resources.

6.6.2. Alternative B – Alternative Melba Road Improvements/Pedestrian Improvement (Option B)

As described in **Section 2.3.2** of this EIR, *Access and Circulation*, the proposed Project includes required improvements to Melba Road across the project in compliance with the City's Public Roadway Standards for a Residential/Neighborhood Residential/Neighborhood street. The proposed Project would dedicate to the City as additional right-of-way approximately ten (10) feet of property adjacent to the Project site on Melba Road, remove portions of the existing asphalt sidewalk along the north side of Melba Road, realign and replace it with a five (5) foot asphalt/concrete curb, gutter, sidewalk and two curb ramps on either side of the new private road at the project entrance. However, as described in Section 2.3.2 of the EIR, the proposed improvements would require the removal of three (3) existing mature Torrey Pine trees and one Coast Live Oak located within the proposed ROW; specifically Tree Nos. 106[1], 107, 108 and 109. These trees would be removed to accommodate proposed roadway and sidewalk improvements consistent with City standards.

For this reason, an alternative to the proposed Melba Road Pedestrian Improvements, that would retain these mature trees, has been evaluated. This alternative, referred to as Alternative B, would redesign the Melba Road and pedestrian improvements to retain these trees, as shown on **Figure 2-6, Melba Road Improvements.**

Retention of Tree Nos. 106, 107, 108 and 109 within the proposed sidewalk areas would not meet the City of Encinitas' public roadway standards. As a condition of approval, the Applicant shall obtain approval from the City Council of the modification of public improvements for width and material on the street frontage per the City of Encinitas adopted Public Road Standards.

Several options exist to avoid damage to the roots the existing trees and to the future sidewalks, including, but not limited to:

[1] Tree Nos. identified in the Torrey Crest *Tree Survey Report* (Wisniewski & Associates, 2023; Appendix C-2).

- Stratvault
- RootBridge
- Rubberway
- Silva Cells
- Terrewalks
- Porous Pavement: Gables Detail
- At-grade sidewalk bridge with footings and a shallower reinforced concrete section

The specific solution shall be reviewed and approved by the City of Encinitas Engineering Department, Public Works Department and City Arborist prior to the issuance of an encroachment permit for work within the City rights-of-way.

To protect the on-site three (3) mature Torrey Pine trees and one mature Coast Live Oak (Tree Nos. 106[2], 107, 108) located in the area of the proposed sidewalks and the mature on-site Torrey Pine tree (Tree No. 119) located west of existing Lot 1 (Proposed Lot C), Alternative B includes preparation of a Tree Protection Plan by a certified arborist which will be reviewed and approved by the City Arborist prior to the issuance of a grading or building permit. The Tree Protection Plan will incorporate the recommendations of the Torrey Crest *Tree Survey* (Wisnieski & Associates, 2024) which are summarized on **Table 6-1**.

TABLE 6-1 SUMMARY OF PROTECTION RECOMMENDATIONS FOR ON-SITE MATURE TREES TO BE RETAINED, ALTERNATIVE B

Tree No	Species	Location	Recommendation
106	Coast Live Oak	South side of Lot 30	• Roots will be cut 8’ from trunk centerline on t Northern side of the tree for installation of a retaining wall on proposed Lot 30. • TPZ fence will be installed to maintain 8’ of separation from trunk centerline and retaining wall to North. • TPZ fence shall include the area between the retaining wall and the sidewalk for 15’ to the East and 10’ to the West of Tree No 107. • Roots may be cut outside of TPZ. • Coordinate TPZ fence location with information for Tree No. 107.
107	Torrey Pine	South side of Lot 30	• Roots will be cut 10’ from trunk centerline on Northern side of tree for installation of a retaining wall on proposed Lot 30. • TPZ fence will be installed to maintain 10’ of separation from trunk centerline and retaining wall to t North.

[2] Tree Nos. identified in the Torrey Crest *Tree Survey Report* (Wisniewski & Associates, 2024; Appendix C-2).

TABLE 6-1 SUMMARY OF PROTECTION RECOMMENDATIONS FOR ON-SITE MATURE TREES TO BE RETAINED, ALTERNATIVE B

Tree No	Species	Location	Recommendation
			• TPZ fence shall include the area between the retaining wall and the sidewalk for 10' to the West and 15' to the East of Tree No 107. • Roots may be cut outside of the TPZ.
108	Torrey Pine	South of stormwater basin on Lot 1	• Roots will be cut 10' from centerline of trunk on Northern side of tree for installation of stormwater basin wall on existing Lot 1. • Roots may be cut within 10' to install sidewalk and pedestrian improvements South and East of trunk centerline. • Root causing displacement of street paving in Southeast direction from tree should be removed. • TPZ fence will be installed to maintain 10' of separation from the centerline of the trunk to the North and to the limits of sidewalk and pedestrian ramp improvements to the South and East . • TPZ fence shall include area between retaining wall and t sidewalk for 21' to the West of Tree No 109 after driveway improvements to 1220-1230 Melba Road are removed and asphalt sidewalk at existing driveway is replaced. • Coordinate TPZ fence location with information for Tree No. 109.
109	Torrey Pine	South of stormwater basin on existing Lot 1	• Roots will be cut 10' from centerline of trunk on Northern side of tree for installation of stormwater basin wall on Lot 1. • TPZ fence will be installed to maintain 10' of separation from the centerline of the trunk to the North. • TPZ fence shall include the area between the retaining wall and the sidewalk for 21' to the West after the driveway improvements to 1220-1230 Melba Road are removed and the asphalt sidewalk at the location of the existing driveway is replaced • Coordinate TPZ fence location with information for Tree No. 108.
119	Torrey Pine	West side of Lot 1	• Roots will be cut 20' to the South for the installation of a retaining wall at Lot 1. • A TPZ fence will be installed in a rectangular shape: 12' East of the trunk

TABLE 6-1 SUMMARY OF PROTECTION RECOMMENDATIONS FOR ON-SITE MATURE TREES TO BE RETAINED, ALTERNATIVE B

Tree No	Species	Location	Recommendation
			centerline to correspond to the natural grade area, 20' to the South, 16' to the North of Tree No. x17, and to the property line to the West. • Roots may be cut outside of the TPZ, except no roots are to be cut or damaged west of the TPZ. Coordinate the TPZ fence location with the information for Tree No. x17. • To rework electrical service to 1210 Melba Road, the tie in pit and spud pits shall be placed outline the dripline of Tree No. 119.

With the exception of the Melba Road Improvements, all other features of the proposed Project would be the same under Alternative B.

Impacts Compared to Project Impacts

The following compares environmental impacts associated with Alternative B – Alternative Melba Road Pedestrian Improvement – Option B, as compared to the impacts of the proposed Project.

Aesthetics/Community Character

Tree Removal/Retention

In contrast to the proposed Project, Alternative B would retain the three (3) one-site mature Torrey Pine trees and one mature Coast Live Oak (Tree Nos. 106[3], 107, 108) located in the area of the proposed sidewalks and the mature on-site Torrey Pine tree (Tree No. 119) located west of existing Lot 1 (Proposed Lot C). Similar to the proposed Project, the two (2) off-site Heritage trees (Tree Nos. x15 and x16), would also be retained.

Alternative B would be consistent with the City's General Plan Resource Management Element (Policies 3.1, 3.2, and 3.6) and the Encinitas Urban Forest Management Program. This analysis presumes that under Alternative B, protection of the on-site mature trees during construction would be included as a feature of the alternative. Implementation of mitigation measure MM BIO-2, which requires the protection of off-site mature trees, would also be required for Alternative B. Therefore, because Alternative B would result in the removal of fewer mature trees than the proposed Project, Alternative B would result in reduced scenic resource impacts compared to the proposed Project.

[3] Tree Nos. identified in the Torrey Crest *Tree Survey Report* (Wisniewski & Associates, 2024; Appendix C-2).

Biological Resources

Alternative B, with the retention and protection of On-site Tree Nos. 106, 107, 108, and 109, would be consistent with the Resource Management Element (RME) of the General Plan as well as the City's Tree Ordinance and Urban Forest Management Policy (UFMP). Therefore, because Alternative B would result in the removal of fewer mature trees than the proposed Project, implementation of the Alternative B would result in reduced biological resource impacts, compared to the proposed Project, related to conflicts with local policies and ordinances protecting biological resources.

Cultural and Tribal Cultural Resources/ Geology and Soils and Paleontological Resources

Alternative B would not change the level or intensity of on-site ground disturbance identified for the proposed Project. Therefore, potentially significant impact to cultural resources, tribal resources and paleontological resources would be similar to those identified for the proposed Project and would not be avoided under Alternative B.

Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Transportation

Alternative B would not change the level or intensity of on-site ground disturbance identified for the proposed Project, nor would it alternative the development density. For this reason, the impacts associated with Alternative B for these resources would be similar to those identified for the proposed project. Significant and mitigable impacts from hazards/hazardous materials and construction noise would be not avoided under Alternative B.

Conclusion

Avoid or Substantially Lessen Project Impacts

Alternative B would not avoid or substantially lessen the significant and potentially significant impacts of the proposed Project related to cultural and tribal cultural resources, paleontological resources, hazards/hazardous materials, and noise. It would however result in reduced impacts to aesthetics/community character and biological resources due to the increased number of trees that would be retained and related consistency with the Resource Management Element (RME) of the General Plan as well as the City's Tree Ordinance and Urban Forest Management Policy (UFMP).

Attainment of Project Objectives

Under the Alternative B, the exception of the Melba Road Improvements, all other features of the proposed Project would be the same. Thus, Alternative B would meet the basic objectives of the proposed Project.

Comparative Merits

As previously noted, Alternative B would not avoid or substantially lessen the significant and potentially significant impacts of the proposed Project related to cultural and tribal cultural resources, paleontological resources, hazards/hazardous materials, and noise. It would however result in greater impacts to aesthetics/community character and biological resources due to the increased number of trees that would be removed and related conflicts with the Resource Management Element (RME) of the General Plan as well as the City's Tree Ordinance and Urban Forest Management Policy (UFMP).

It would however meet all of the proposed Project's objectives; however it would not provide an improvement to Melba Road that meets City of Encinitas public roadway standards. City Council approval of the modification of public improvements for width and material on the street frontage per the City of Encinitas adopted Public Road Standards would be required.

Significant Impacts of Alternative

Alternative B would not result in any new significant impacts; but would result in greater aesthetic/community character and biological resource impacts compared to the proposed Project, related to its conflicts with the Resource Management Element (RME) of the General Plan as well as the City's Tree Ordinance and Urban Forest Management Policy (UFMP).

6.6.3. Alternative C – Reduced Density Alternative

Alternative C is the "Reduced Density" Alternative, wherein 27 housing units would be developed. Of this total, two (2) would be restricted for very low income. With the exception of the reduced number of housing units, all other features of the proposed Project would generally be the same under Alternative C. Specifically, Alternative C would have a footprint and layout similar to that of the proposed Project, although the lots would be slighter larger since there will be three (3) less units. The Melba Road improvements, the proposed internal roadway system, bioretention basins and landscaping would not be expected to substantially differ from the proposed Project.

Impacts Compared to Project Impacts

Because the Alternative C (Reduced Density Alternative) would have the same footprint and improvements as the proposed Project, impacts to aesthetics, biological resources, cultural/tribal resources, geology and soil, hazardous, noise, public services and transportation would be similar to those identified for the proposed Project.

Conclusion

Avoid or Substantially Lessen Project Impacts

Alternative C, the Reduced Density Alternative, would not avoid or substantially lessen the significant and potentially significant impacts of the proposed Project related to aesthetics/community character, biological resources, cultural and tribal cultural resources, geology and soils/paleontological resources; hazards/hazardous materials, hydrology and water quality, noise and transportation. Each of these impacts would be mitigated to below the level of significance with implementation of the identified mitigation measures.

Attainment of Project Objectives

Under the Alternative C, the exception of the reduction in the number of housing units, all other features of the proposed Project would be the same. Thus, Alternative C would meet the basic objectives of the proposed Project, but to a lesser degree.

Comparative Merits

Alternative C, the Reduced Density Alternative, would not avoid or substantially lessen any of the significant or potential significant impacts identified for the proposed Project. Additionally, Alternative C would provide fewer housing units than the proposed Project. This means that the Project's objectives of increasing affordable and market rate housing units to meet current demand would not be met but to a lesser degree than the proposed Project.

Significant Impacts of Alternative

The Reduced Density Alternative would not result in significant impacts to any environmental resources.

6.7. Environmentally Superior Alternative

As required by CEQA Guidelines, Section 15126.6, an EIR must identify an "environmentally superior alternative," which is the alternative that has the least impact on the environment or would be capable of avoiding or substantially lessening any significant impacts of the project. **Table 6-2**, Summary of Alternatives Compared to the Proposed Project, shows each alternative's environmental impacts compared to the impacts of the proposed Project.

The alternative that results in the least environmental impact, considering both the frequency and magnitude of the impact, is the environmentally superior alternative. In cases where the No Project Alternative is environmentally superior, the EIR is required to identify the next environmentally superior alternative among the others evaluated. Alternative A (No Project/No Development) is the alternative that results in the least environmental impact.

As shown in **Table 6-2**, Alternative A (No Project/No Development Alternative), would be environmentally superior to the proposed Project under the 10 resource areas analyzed in the EIR. As required by CEQA, the next environmentally superior alternative is Alternative B (Melba Road Pedestrian Improvements, Option B). While, Alternative B would be environmentally similar to the Project under eight (8) resource areas, the Melba Road improvements included in this alternative do would meet the City's public roadway standards and City Council approval of the modified roadway standards will be required. Therefore, decision-makers are not obliged by CEQA to select this alternative. Alternative C (Reduced Density Alternative) would have impacts similar to the proposed Project and make fewer housing units available within the City. This alternative was not found to be environmentally superior to the proposed Project.

TABLE 6-2. SUMMARY OF ALTERNATIVES COMPARED TO THE PROPOSED PROJECT

	Proposed Project	**No Project/ No Development (Alternative A)**	**Melba Road Improvement/ Pedestrian Improvement – Option B (Alternative B)**	**Reduced Density Alternative (Alternative C)**
1. Aesthetics	LTS - MM	NI / +	LTS - MM / -	LTS-MM / =
2. Biological Resources	LTS - MM	NI / +	LTS-MM / -	LTS - MM / =
3. Cultural Resources	LTS-MM	NI / +	LTS-MM / =	LTS-MM / =
4. Geology and Soils	LTS - MM	NI / +	LTS - MM / =	LTS - MM / =
5. Hazards/Haz. Materials	LTS - MM	NI / +	LTS- MM / =	LTS-MM / =
6. Hydrology and Water Quality	LTS	NI / +	LTS / =	LTS - MM / =
7. Noise	LTS – MM	NI /+	LTS – MM / =	LTS – MM / =
8. Public Services	LTS	NI / +	LTS / =	LTS / =
9. Transportation and Traffic	LTS	NI / +	LTS / =	LTS / =
9. Tribal Cultural Resources	LTS-MM	NI / +	LTS-MM / =	LTS-MM / =
Comparison To Proposed Project		+ 10	+ 0 - 2 = 8	+ 0 - 0 = 10
Meets Most of the Basic Project Objectives?	**Yes**	**No**	**Yes**	**Yes**

Notes:
NI Finding of no environmental impact
LTS Finding of less than significant environmental impact
LTS-MM Finding of less than significant environmental impact with mitigation measure

TABLE 6-2. SUMMARY OF ALTERNATIVES COMPARED TO THE PROPOSED PROJECT

	Proposed Project	No Project/ No Development (Alternative A)	Melba Road Improvement/ Pedestrian Improvement – Option B (Alternative B)	Reduced Density Alternative (Alternative C)

SU	Finding of significant and unmitigable impact
+	Alternative is superior (reduced impacts compared) to the proposed Project
-	Alternative is inferior (greater impacts compared) to the proposed Project
=	Alternative is environmentally similar to the proposed Project or there is not enough information to make a superior or inferior determination.

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7.0 PREPARERS

7.1. Environmental Impact Report

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Biological Assessment Letter - BLUE Consulting Group

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Community Character Study – CityPlace Planning

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Cultural Resources Study – Cogstone Resource Management

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None.

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5.0 Other CEQA Considerations

None.

6.0 Alternatives

None.

7.0 Preparers

None.

8.0 References

None.

9.0 MMRP

None.

9.0 MITIGATION MONITORING AND REPORTING PROGRAM

As part of project approval, the City of Encinitas (City) will adopt this Mitigation Monitoring and Reporting Program (MMRP) for the Torrey Crest Residential Subdivision Project in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Torrey Crest Residential Subdivision, which is the subject of this Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements. Mitigation measures for the project will be adopted by the City of Encinitas, in conjunction with the adoption of the EIR. Those mitigation measures have been integrated into this MMRP. Within this document, approved mitigation measures are organized and referenced by subject category and include those for: biological resources, cultural resources and geology and soils. Each of these measures has a numerical reference. Specific mitigation measures are identified, as well as the method and timing of verification and the responsible party that will ensure that each action is implemented.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to the California Environmental Quality Act (CEQA), to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The City is the designated lead agency for the MMRP and is responsible for review of all monitoring reports, enforcement actions, and document disposition. The City will rely on information provided by the monitor as accurate and up to date and will field check mitigation measure status as required.

A record of the MMRP will be maintained at the Encinitas Planning Division, 505 S. Vulcan Avenue, Encinitas, CA 92024. All mitigation measures contained in the EIR shall be made conditions of the project as may be further described below.

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
3.2 Biological Resources				
MM BIO-1:	**Pre-Construction General Nesting Bird Survey** Construction activities for the Project should commence outside of the bird breeding season (generally February 1 through August 31; January 1 for raptors). If activities associated with vegetation/tree removal, clearing, grubbing, demolition, grading, staging or other construction activities are planned to occur during the bird nesting/breeding season, a bird nesting survey shall be conducted by a qualified biologist no more than 72-hours prior to commencement of the construction activities to determine presence or absence of nesting birds or active nests within the proposed area of disturbance plus a 500-foot buffer and a 250-foot buffer for non-listed bird species. Inaccessible parts of the survey area shall be scanned using binoculars to ensure 100 percent visual coverage. The qualified biologist shall be familiar with the identification of bird species known to occur in southern California communities. If no nesting birds or active nests are found, the Applicant shall submit the results of the Pre-Construction survey to the Development Services Department and wildlife agencies for review and approval prior to initiating any construction activities and no further mitigation would be required. If active nests (those containing eggs, nestlings, or associated with dependent fledglings) of bird species covered by the Migratory Bird Treaty Act are detected within the proposed area of disturbance during the 10-day preconstruction survey: • Construction activities shall stay outside a 250-foot avoidance buffer around the active nest. For raptor species, this buffer shall be expanded to 500 feet. A biological monitor shall delineate the boundaries of an avoidance buffer area with (highly visible construction fencing or other exclusionary material that would	Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities. Report documenting pre-construction survey results shall be prepared within 30 days of the completion of the monitoring efforts.	City of Encinitas Development Services	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	inhibit entry by personnel or equipment into the buffer zone) and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activity. Once the young have fledged and the qualified biologist has determined the nest is inactive, normal construction activities can occur. • The biologist and Project Applicant shall postpone construction activity within the buffer area(s) and contact the wildlife agencies and the City's Development Services Department to discuss: 1) the best approach to avoid/minimize impacts to breeding/nesting birds (e.g., sound walls), and 2) a monitoring program acceptable to the wildlife agencies. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. • Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the wildlife agencies. • No project activity shall occur inside an avoidance buffer until the biologist determines that the nest is no longer active. **Reporting**. Within 30 days of the completion of the monitoring efforts, the Project Applicant shall submit a Final Bird Survey Monitoring Report prepared by the project biologist to the wildlife agencies and City's Development Services Department. The report shall include documentation of all bird survey, monitoring activities, coordination efforts with the			

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	wildlife agencies, as-built construction drawings with an overlay of any active nests in the survey areas, photographs of habitat areas during pre-construction and post-construction conditions, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance was achieved for the avoidance/minimization provisions.			
MM BIO-2:	**Tree Protection Plan for On-site and Off-site Trees to be Retained** Prior to grading or building permit issuance, a Tree Protection plan for on-site and off-site Trees to be retained shall be prepared by a certified arborist for review and approved by the City Arborist. The tree protection plan incorporate the recommendations of the Torrey Crest Tree Survey (Wisnieski & Associates, 2024) and include the following: **1. Verification of Tree Protection** The Project Arborist shall verify, in writing, that all preconstruction conditions have been met (pruning and tree protection fencing) and are in place. Written verification must be submitted to and approved by the Planning Department prior to demolition, grading or building permit issuance. Prior to the installation of the tree protective fencing, the pruning of trees to remain shall be completed. After the pruning work is completed, spread organic wood chip mulch to a depth of three inches inside the TPZ. Keep the mulch at least two-feet away from the trunks of the trees and do not allow it to cover the root collars. Use wood chips from the tree pruning and tree removals. **2. Pre-Construction Meeting** The demolition, grading and underground contractors, construction superintendent and City planning representative shall meet with the Project	Tree Protection Plan shall be prepared and implemented prior to grading or building permit issuance.	City of Encinitas Development Services	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	Arborist at the site prior to beginning work to review procedures, tree protection measures and establish haul routes, staging areas, contacts, and watering requirements. The meeting shall be held prior to the start of any construction work. A proposed work schedule and co-ordination for tree pruning and removal, tree protection fencing, and spreading wood chips shall be discussed. **3. Protective Tree Fencing for Protected Trees** Fenced enclosures shall be erected around trees to be protected to achieve three primary goals: (1) to keep the foliage crowns and branching structure clear from contact by equipment, materials and activities; (2) to preserve roots and soil conditions in an intact and non-compacted state and; (3) to identify the tree protection zone (TPZ) in which no soil disturbance is permitted and activities are restricted, unless otherwise approved by the Project Arborist. The TPZ fencing shall be six-foot high chain link fencing. The fence shall remain in place for the life of the Project or until final improvement work in the area is required, usually near the end of the Project. The Project Arborist must be consulted for approval before the fence is removed. **4. Tree Protection Zone (TPZ)** Each tree to be retained shall have a designated TPZ identifying the area sufficiently large enough to protect the tree and roots. The TPZ shall be shown on all site plans for the Project. Unless otherwise specified, the protective fencing shall serve as the TPZ. **5. Tree Pruning and Removal** Prior to the commencement of construction and/or land disturbance or vegetation removal activities , all trees to be protected and preserved shall be pruned by crown cleaning to remove all dead, dying, diseased and			

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	crossing branches. Other specific trees may require that branches be pruned clear from future structures or to allow for equipment access. All tree work shall be done by a certified arborist or by a certified tree worker under the full time supervision of a certified arborist. All pruning work shall be performed in accordance with the current published American National Standard for Pruning, American National Standard for Arboricultural Operations – Safety Requirements and Best Management Practices - Tree Pruning. If possible, the chipped tree material shall be stock piled on site for use as the organic mulch in the TPZ. **6. Trenching and Excavation near Protected Trees** The Construction Contractor shall notify the Project Arborist a minimum of 48 hours in advance of any activity in the TPZ so that the Project Arborist can arrange to be on site and observe the work. **7. Root Severance** Roots that are encountered shall be cut to sound wood by sharp pruning implements designed for tree pruning work. **8. Monthly Inspection Reports** During the term of this project, monthly inspections and reports for the protected trees specifying the current conditions, any change in condition, recommended actions and to verify that the required tree protection is being maintained, shall be performed by the Project Arborist and emailed to the designated Project Planner. **9. Irrigation and Maintenance** It is expected that the adjacent property owners that share a boundary line tree, or have a tree that over hangs the Project property line, would continue to irrigate and maintain their side of the tree. Temporary irrigation systems			

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	would be used on the Project side of the protected trees to provide regular watering as required. **10. Mulch** Within the project's property boundaries, 2"-6" of mulch will be placed in the TPZ after installation of the TPZ fencing. **11. Reporting.** Prior to the commencement of demolition activities, the Project Arborist shall conduct an initial inspection of the project site and submit a written report to the City Arborist verifying that all pre-construction conditions have been met, including, but not necessarily limited to the installation of tree fencing, erosion control, and implementation of prescribed pruning, etc.			
3.3 Cultural Resources				
CUL-1	**Cultural Resources Construction Monitoring** Due to the high potential for uncovering unknown subsurface archaeological resources, including Native American tribal cultural resources, cultural resource mitigation monitoring shall be undertaken for any and all on-site and off-site ground disturbing activities. If on-site and/or off-site ground disturbing activities (e.g., exploratory trenching or excavations) are required for any informal or formal solicitation (written or spoken) of construction bids or similar requirements, all applicable requirements identified in MMs CUL-2 through CUL-8 below shall be undertaken by the Applicant and/or Owner.	Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.	City of Encinitas Planning Division	

CUL-2	**Cultural Resource Mitigation 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 TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure; grading or any other ground disturbing or altering activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related road improvements. Other tasks of the monitoring program shall include the following: • 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. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Native American	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	Monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the Qualified Archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the Project site to avoid further disturbance of cultural resources. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed Project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the Lead Agency under CEQA. If a data recovery is required, then the TCA tribe 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.			
CUL-3	**Pre-Excavation Agreement** Prior to the issuance of a Grading Permit, and subject to approval of terms by the City, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the San Luis Rey Band, or other TCA tribe. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor, and the San Luis Rey Band for the protection and treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities.			
CUL-4	**Retain City-approved Qualified Archaeologist and TCA Native American Monitor** Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City's Development Services Director, stating that a City-approved Qualified Archaeologist and a TCA Native American Monitor have been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement. A copy of the letter shall be included in the Grading Plan Submittals for the Grading Permit.	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	
CUL-5	**Prepare Controlled Grade Procedure** Prior to the issuance of a Grading Permit, and in order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American Monitor, the San Luis Rey Band, and the Applicant or Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and TCA Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Procedure shall be included in the Grading Plan Submittals for the Grading Permit.	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
CUL-6	**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.	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	
CUL-7	**Disposition of 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 San Luis Rey Band for respectful and dignified treatment and disposition, including reburial, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	
CUL-8	**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	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American Monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept *in situ* ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American Monitor.			
3.4 Geology and Soils				
GEO-1	**Paleontological Data Recovery and Monitoring Plan** Prior to grading permit issuance, a Data Recovery and Monitoring Plan shall be prepared which will be implemented during grading, excavation and construction activities, to the satisfaction of the City. The Plan shall document paleontological recovery methods and consist of the following measures, which shall be included on Project grading plans to the satisfaction of the City: 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 City's Development Services Department:	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	a. Project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an M.S. or Ph.D. degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the Project pre-construction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on site on a full-time basis during the original cutting of previously undisturbed portions of the underlying very old paralic deposits. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to			

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	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 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.			
3.5 Hazardous & Hazardous Materials				
MM HAZ-1:	**MM HAZ-1: Soil Remediation and Removal Plan** Prior to grading permit issuance, the Project applicant shall demonstrate that a qualified consultant has been retained to prepare and ensure implementation of the approved Soil Remediation Plan. The Project applicant shall be responsible for ensuring all provisions of the Soil			

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MM No.	Mitigation Measure	Timing of Verification	Responsible Person	Date of Completion/ Initials
	Remediation Plan are implemented to the satisfaction of the San Diego County Department of Environmental Health (DEH) and the City of Encinitas Development Services Department. The following remediation measures contained in the approved Soil Remediation and Removal Plan shall be included in the Project's grading plans to the satisfaction of the Development Services Department and DEH: **Public Notification** In accordance with DEH requires that a public notice be provided to the properties adjacent to (within line of sight of) the Site a minimum of 5 days prior to excavating the pesticide-impacted soil. The notice should also be posted at the Site informing the community of the soil remediation and include contact information for the environmental consultant performing the work, developer, and DEH case worker. **Storm Water Protection** Storm water best management practices (BMPs) shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets. **Impacted and Decontamination Areas** Entry into impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. These areas shall be marked (as exclusion zones) in the field using stakes, ribbon and/or high visibility paint. Equipment and trucks that are used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of the excavations, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination shall be added to the pesticide- impacted soil stockpiles or placed in the			

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	encapsulation area. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite. **Dust Control** The contractor shall use water to effectively minimize generation of airborne dust during soil excavation, handling, disposal and/or encapsulation. Water shall be sprayed prior to daily work activities, during excavation, handling, disposal and/or encapsulation; temporarily stockpiled soil shall be sprayed and then covered with Visqueen or a 1-foot clean soil cap. Consideration shall be made to pre-watering the excavation areas prior to excavation to minimize generation of airborne dust. Remediation shall be halted during high wind conditions where the use of engineering controls (i.e. wet methods) cannot effectively maintain dust at levels less than the Fence Line Action Levels specified in the CHSP. **Airborne Dust Monitoring and Sampling** As described in the CHSP (*Appendix A*), airborne dust monitoring and sampling will be performed during excavation and handling of pesticide-impacted soil. **Offsite Disposal of Chlordane-Impacted Soil Exceeding 10,000 µg/kg** The estimated 200 cubic yards of pesticide-impacted soil present within the upper 1-foot of the former flower beds adjacent to the main house and garage at 1190 Island View Lane, which exceeds 10,000 µg/kg for **chlordane** (areas shown in pink on Figure 1), will require disposal at an appropriate offsite waste disposal facility. The impacted soil shall be excavated and temporarily stockpiled to be characterized for waste disposal. The excavated soil shall be temporarily stockpiled at a designated staging area on Visqueen and then covered with Visqueen to minimize potential			

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	sediment in storm water run-off and airborne dust generation. Following acceptance at a waste disposal facility, the impacted soil shall be transported to the disposal facility by a licensed Class A-HAZ subcontractor for disposal. **Onsite Encapsulation of Non-Hazardous Pesticide-Impacted Soil** The estimated 800 cubic yards of non-hazardous, pesticide-impacted soil identified around the structures at 1190 Island View Lane can be excavated and encapsulated onsite beneath a clean soil cover to mitigate potential health risks to future site occupants. The extent of the remedial encapsulation area is shown on Figure 3.5-4. The proposed encapsulation area was selected by Pasco Laret Suiter & Associates, the project Civil Engineer, based on the volume of the impacted soil, criteria listed below and low likelihood of encountering the impacted soil during future site improvements (landscaping, underground utilities, etc.) and shall be approved by the DEH. If additional pesticide-impacted soil is identified during excavation and/or through confirmation sampling, the encapsulation area may need to be increased to accommodate the additional volume of soil to maintain the requirements described below. Encapsulation of the pesticide-impacted soil will require the following: • The impacted soil shall be placed a minimum of 7 feet below finish grade and face of slopes, including 3 feet below the deepest utility. A clean soil cap shall be placed above the impacted soil which does not contain pesticides at concentrations exceeding their respective PALs. • The impacted soil shall be placed a minimum of 5 feet above groundwater or any engineered drainage structures. Groundwater was not encountered during our previous geotechnical			

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	investigation and is anticipated to be deeper than 50 feet below existing grade. • The bottom and top of the encapsulation area shall be surveyed to document the lateral and vertical limits of the encapsulated impacted soil. • A visual barrier (i.e. Visqueen, geotextile fabric) shall be placed on top of the impacted soil prior to capping with clean soil. • Confirmation soil sampling and analysis would be conducted to verify that the project action levels (PALs) shown on Table 5 of the Soil Remediation Plan have been met in the excavation bottoms. **Confirmation Sampling** Confirmation soil samples shall be collected from the base and sidewalls (where appropriate) within the pesticide-impacted soil excavations. Conformation samples would also be collected at 3 feet below Sample S22 and along the northern perimeter adjacent to the school as specifically requested by the DEH. The samples would be collected using a decontaminated trowel or hand auger and placed directly into laboratory-provided sampling jars, properly labeled, and placed in a chilled cooler for transport to a State-certified laboratory under chain-of-custody protocol. The samples will be analyzed for pesticides by USEPA Test Method 8081A. If pesticides are detected in the confirmation soil samples at concentrations exceeding their respective PALs, then additional excavation and confirmation sampling would be required until the PAL is met. Additional grading (i.e. fill placement) within the impacted area shall not be performed until test results from the confirmation sampling have been received.			

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	Soil Remediation Report Upon completion of the remediation activities a Soil Remediation Report documenting that the remedial work was conducted pursuant with this SRP shall be prepared and submitted to the DEH for review and a request for case closure for the Site. Prior to building permit issuance, the Project applicant shall submit a "Closure Letter" issued by the San Diego County DEH to the Encinitas Development Services Department.			
MM HAZ-2:	**Community Health and Safety Plan** Prior to the issuance of building permits, the Community Health and Safety Plan approved by DEH shall be implemented to minimize the potential for exposure to pesticides during disturbance of pesticide-impacted soil at the Project Site. **Personnel Training** Site employees shall attend the pre-construction meeting prior to starting the project. The meeting shall review the elements of the CHSP, including the location of potential health and safety hazards on the Site and requirements of the CHSP. Site employees working directly with or handling pesticide-impacted soil shall provide evidence of completion of the applicable training requirements outlined in T8 CCR §5192(e) - Training (24-hour Certificate and current annual Refresher Training). **Soil Hazards And Prevention Measures** To reduce potential exposure to pesticides, site employees working directly with or handling pesticide- impacted soil shall use safe work practices that include proper personal protective equipment (gloves, eye wear, boots, proper clothing), personal hygiene practices (i.e. hand washing), and the use of water to allay potential airborne dust shall be implemented. As mentioned previously, contractors and other subconsultants shall implement			

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	their own health and safety plan, which takes into consideration the potential exposure to the pesticides listed above. **Site Preparation and Security Measures** Prior to equipment mobilization for the proposed remedial activities, site preparation may include site inspections, surveying, boundary staking, sampling, utility connections or disconnections, and fencing installation. Formal work (regulated) zones shall be established at the Site prior to the start of soil excavation. **Storm Water Protection** Storm water best management practices shall be implemented to reduce or eliminate sediment and other pollutants from entering existing storm water drains in adjacent streets. **Decontamination Area** Entry into pesticide-impacted areas shall be limited to authorized personnel and equipment to avoid unnecessary exposure and related transfer of contaminants. Equipment and trucks that are used for excavating and transporting soil shall be decontaminated in a designated area before leaving the Site. Following completion of excavation, equipment shall be dry-decontaminated with brooms, brushes, and/or towels on top of plastic sheeting at a designated decontamination area onsite. Soil removed from equipment during decontamination activities shall be added to the pesticide-impacted soil encapsulation area or disposal stockpile. The contractor is responsible for setting up the decontamination areas and cleaning their equipment to ensure that pesticide-impacted soil is not transferred to clean areas on the Site or offsite.			

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	Airborne Dust Control Procedures including the use of water as a dust suppressant to minimize dust generation during the soil removal activities shall be implemented to adhere with San Diego Air Pollution Control District Rule 55 for fugitive dust control (see Attachment B). Water shall be sprayed prior to daily work activities, during excavation/loading and placement activities. Watering equipment shall be continuously available to provide proper dust control. Water shall be applied in sufficient quantities to prevent visible dust emissions but not heavy enough to create runoff or soil erosion, which could spread pesticide-impacted soil to other portions of the Site or offsite. Remedial operations shall not be performed during periods of high winds where the use of engineering controls are ineffective in maintaining dust levels. If visible dust is observed, the remediation work will be halted until the use of engineering controls (i.e. wet methods) can effectively prevent fugitive dust emissions. **Perimeter Air Monitoring** Perimeter air monitoring shall be performed during site activities in which pesticide-impacted soil is being disturbed or handled. The purpose of real-time monitoring for airborne dust is to ensure that "wet methods" utilized during remedial activities are effective in mitigating potential offsite transport of airborne dust from the Site. Perimeter air monitoring includes active monitoring of upwind (background) and downwind perimeter ("fence line") dust levels closest to the nearest residences or receptors. **Airborne Dust Monitoring Procedures** Perimeter airborne dust monitoring during the remediation activities shall include one upwind (background) location and two downwind locations, including an additional monitor along the northern perimeter adjacent to			

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	Oak Crest Middle School. Wind direction data recorded at the weather station at Carlsbad McClellan-Palomar Airport (KCRQ) approximately six (6) miles north of the Site, (http://w1.weather.gov/data/obhistory/KCRQ.html) indicates the predominant wind direction in the site vicinity is from the west. Ambient air monitoring shall be performed during excavation and handling of the pesticide-impacted soil on Site. The real-time monitors shall be zeroed according to the manufacturer's instructions, calibrated to the appropriate flow rate, and programmed to log total dust levels every 60 seconds. Air sampling shall also be performed concurrently during the real time air monitoring. Air samples shall be collected prior and during the excavation activities of pesticide-impacted soil on the Site. Sampling shall consist of pumping air over a filter/solid sorbent tube, which will be analyzed for pesticides in general accordance with National Institute of Occupational Safety and Health (NIOSH) Method 5600 on an expedited turnaround time. The fence line dust action level (FLAL) for chlordane shall be 0.325 mg/m3. If the FLAL is met or exceeded, then remedial operations shall be stopped until engineering controls (water spray) are increased to effectively lower the FLAL. Remedial operations shall not be performed during periods of high winds where the use of engineering controls (i.e. wet methods) are ineffective in maintaining dust levels below the FLAL. Areas of disturbed impacted soil shall be moisture-conditioned or temporarily covered with plastic sheeting until such time that onsite dust conditions allow work to resume. During non-working hours (i.e. evenings and weekends) a water truck shall remain onsite and personnel available on-call if high winds are forecasted.			

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MM HAZ-3	**Asbestos and Lead Material Survey** 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). 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. 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			
3.7 Noise				
MM NOI-1	**MM NOI-1: Noise Control Plan** Construction contractors shall develop and implement a noise control plan that includes a noise control monitoring program to ensure sustained construction noise levels do not exceed 75 decibels over an 8-hour workday at the nearest sensitive receivers. The plan shall include the following requirements: **Construction Equipment.** Construction equipment noise shall be controlled using a combination of the following methods:	The Noise Control Plan shall be submitted to the City's Development Service Department prior to grading permit issuance. The Noise Control Plan and Neighbor Notification shall be	City of Encinitas Planning Services	

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	• Electrical power shall be used to run air compressors and similar power tools where feasible; • Internal combustion engines shall be equipped with a muffler of a type recommended by the manufacturer and in good repair; • All diesel equipment shall be operated with closed engine doors and be equipped with factory recommended mufflers; • Any construction equipment that continues to generate substantial noise at the eastern Project boundary shall be shielded with temporary noise barriers, such as barriers that meet a sound transmission class (STC) rating of 25, sound absorptive panels, or sound blankets on individual pieces of construction equipment; • Stationary noise-generating equipment, such as generators and compressors, shall be located as far as practically possible from the nearest residential property lines; • Contractor shall turn off idling equipment while not being used for operations after idling for five minutes; and • Contractor shall perform noisier operation during the times least sensitive to nearby residential receptors. **Neighbor Notification**. Designate a noise control monitor to oversee construction operations in proximity to sensitive receivers. Provide notification to residential occupants adjacent to the Project site at least 24 hours prior to initiation of construction activities that could result in substantial noise levels at outdoor or indoor living areas. This notification should include the anticipated hours and duration of construction and a description of noise reduction measures being implemented at the Project site. The notification should include the telephone number and/or contact	implemented during construction activities, and upon completion of monitoring activities.		

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	information for the onsite noise control monitor that residents can use for inquiries and/or to submit complaints associated with construction noise.			
3.10 Tribal Cultural Resources				
MM CUL 1 through MM CUL-8	**Implement mitigation measures CUL-1 though CUL-8.**	Prior to grading permit issuance, during grading and excavation activities, and prior to building permit issuance.	City of Encinitas Planning Division	

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